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# *The* **NORTH CAROLINA REGISTER**

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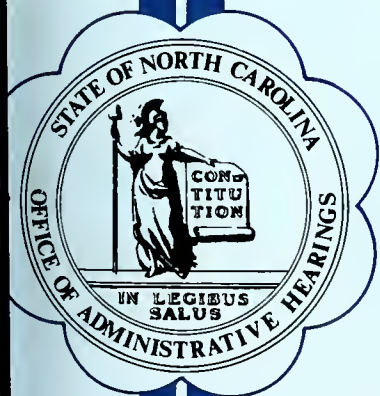
**ISSUE DATE: AUGUST 14, 1987**

**Volume 2 • Issue 5 • Pages 286-364**

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# INFORMATION ABOUT THE NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE

## NORTH CAROLINA REGISTER

The *North Carolina Register* is published monthly and contains information relating to agency, executive, legislative and judicial actions required by or affecting Chapter 150B of the General Statutes. All proposed administrative rules and amendments filed under Chapter 150B must be published in the Register. The Register will typically comprise approximately one hundred pages per issue of legal text.

State law requires that a copy of each issue be provided free of charge to each county in the state and to various state officials and institutions. The *North Carolina Register* is available by yearly subscription at a cost of ninety-five dollars (\$95.00) for 12 issues.

Requests for subscription to the *North Carolina Register* should be directed to the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, N. C. 27604, Attn: Subscriptions.

## ADOPTION, AMENDMENT, AND REPEAL OF RULES

An agency intending to adopt, amend, or repeal a rule must first publish notice of the proposed action in the *North Carolina Register*. The notice must include a reference to the Statutory Authority for the action; the time and place of the public hearing and a statement of how public comments may be submitted to the agency either at the hearing or otherwise; the text of the proposed rule or amendment; and the proposed effective date.

The Director of the Office of Administrative Hearings has authority to publish a summary, rather than the full text, of any amendment which is considered to be too lengthy. In such case, the full text of the rule containing the proposed amendment will be available for public inspection at the Rules Division of the Office of Administrative Hearings and at the office of the promulgating agency.

Following publication of the proposal in the *North Carolina Register*, at least 60 days must elapse before the agency may take action on the proposed adoption, amendment or repeal.

When final action is taken, the promulgating agency must file any adopted or amended rule with the Office of Administrative Hearings. If it differs substantially from the proposed form published as part of the public notice, the adopted version will again be published in the *North Carolina Register*.

A rule, or amended rule, cannot become effective earlier than the first day of the second calendar month after the adoption is filed.

Proposed action on rules may be withdrawn by the promulgating agency at any time before final action is taken by the agency.

## TEMPORARY RULES

Under certain conditions of an emergency nature, some agencies may issue temporary rules. A temporary rule becomes effective when adopted and remains in effect for the period specified in the rule or 120 days, whichever is less. An agency adopting a temporary rule must begin normal rule-making procedures on the permanent rule at the same time the temporary rule is adopted.

## NORTH CAROLINA ADMINISTRATIVE CODE

The North Carolina Administrative Code (NCAC) is a compilation and index of the administrative rules of 25 state agencies and 38 occupational licensing boards. The NCAC comprises approximately 15,000 letter size, single spaced pages of material of which approximately 35% is changed annually. Compilation and publication of the NCAC is mandated by G.S. 150B-63(b).

The Code is divided into Titles and Chapters. Each state agency is assigned a separate title which is further broken down by chapters. Title 21 is designated for occupational licensing boards.

The NCAC is available in two formats.

- (1) In looseleaf pages at a minimum cost of two dollars and 50 cents (\$2.50) for 10 pages or less, plus fifteen cents (\$0.15) per each additional page.
- (2) On microfiche. The microfiche edition is revised semi-annually (March and October) and can be purchased for forty dollars (\$40.00) per edition. Due to the volume of the Code, the complete copy can only be purchased on microfiche. The NCAC on microfiche is updated monthly by publication of a "List of Rules Affected" which sets out rules filed the previous month, the action taken, and the effective date of the change. This list is published in the *North Carolina Register*.

Requests for looseleaf pages of rules or the NCAC on microfiche should be directed to the Office of Administrative Hearings.

## NOTE

The foregoing is a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Articles 2 and 5 of Chapter 150B of the General Statutes be examined carefully.

## CITATION TO THE NORTH CAROLINA REGISTER

The *North Carolina Register* is cited by volume, issue, page number and date. 1:1 NCR 101-201, April 1, 1986 refers to Volume 1, Issue 1, pages 101 through 201 of the *North Carolina Register* issued on April 1, 1986.

**North Carolina Register.** Published monthly by the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions ninety-five dollars (\$95.00) per year.

**North Carolina Administrative Code.** Published in March and October by the Office of Administrative Hearings, P. O. Drawer 11666, Raleigh, North Carolina 27604, pursuant to Chapter 150B of the General Statutes. Subscriptions forty dollars (\$40.00) per edition.

# NORTH CAROLINA REGISTER



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**NORTH CAROLINA REGISTER**  
***Publication Deadlines and Schedules***  
*(April 1987 - March 1988)*

Issue Date	Last Day for Filing	Last Day for Electronic Filing	Earliest Date for Public Hearing	Earliest Date for Adoption by Agency	* Earliest Effective Date
*****	*****	*****	*****	*****	*****
04/15/87	03/26/87	04/02/87	05/15/87	06/14/87	09/01/87
05/15/87	04/27/87	05/04/87	06/14/87	07/14/87	10/01/87
06/15/87	05/26/87	06/02/87	07/15/87	08/14/87	11/01/87
07/15/87	06/25/87	07/02/87	08/14/87	09/13/87	12/01/87
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11/16/87	10/27/87	11/03/87	12/16/87	01/15/88	04/01/88
12/15/87	11/23/87	12/02/87	01/14/88	02/13/88	05/01/88
01/15/88	12/28/87	01/04/88	02/14/88	03/15/88	06/01/88
02/15/88	01/26/88	02/02/88	03/16/88	04/15/88	07/01/88
03/15/88	02/24/88	03/02/88	04/14/88	05/14/88	08/01/88

\* The "Earliest Effective Date" is computed assuming that the agency files the rules with The Administrative Rules Review Commission the same calendar month as adoption by the agency and ARRC approves the rules at the next calendar month meeting.



## GENERAL STATUTES OF NORTH CAROLINA

[The following excerpt contains the statutory provisions that govern the Administrative Rules Review Commission as amended by Chapter 285; Session Laws of 1987. Note: These provisions may be subject to variable effective dates through October 1, 1987. Persons concerned should consult the Session Law or the Administrative Rules Review Commission Staff for specific information.]

### **CHAPTER 143B**

"Part 3. Administrative Rules Review Commission.

"§ 143B-30. Definitions. --As used in this Part, the following definitions apply:

'Agency' means an agency subject to the provisions of Article 2 of Chapter 150B of the General Statutes.

'Commission' means the Administrative Rules Review Commission.

'Rule' means a 'rule', as defined in G.S. 150B-2(8a).

"§ 143B-30.1. Administrative Rules Review Commission created. --The Administrative Rules Review Commission is created. The Commission shall consist of eight members to be appointed by the General Assembly, four upon the recommendation of the President of the Senate, and four upon the recommendation of the Speaker of the House of Representatives. These appointments shall be made in accordance with G.S. 120-121, and vacancies in these appointments shall be filled in accordance with G.S. 120-122. All appointees shall serve two-year terms. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, ineligibility, death, or disability of any member shall be for the balance of the unexpired term. The chairman shall be elected by the Commission, and he shall designate the times and places at which the Commission shall meet. The Commission shall meet at least once a month. A quorum of the Commission shall consist of five members of the Commission.

Members of the Commission who are not officers or employees of the State shall receive compensation of two hundred dollars (\$200.00) for each day or part of a day of service plus reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence at the rate set out in G.S. 138-6.

The Office of Administrative Hearings shall provide administrative and support staff to the Commission to assist it in performing its duties.

"§ 143B-30.2. Review of rules. -- (a) Rules adopted by an agency on or after September 1, 1986, shall be submitted to the Administrative Rules Review Commission, which shall review the rule to determine whether it:

- (1) Is within the authority delegated to the agency by the General Assembly;
- (2) Is clear and unambiguous;
- (3) Is reasonably necessary to enable the administrative agency to perform a function assigned to it by statute or to enable or facilitate the implementation of a program or policy in aid of which the rule was adopted.

Any rule filed by the 20th of a month shall be reviewed by the Commission by the last day of the next calendar month. Any rule filed after the 20th of a month shall be reviewed by the Commission by the last day of the second subsequent calendar month. The Commission may extend the time for review of a rule by a period of up to 70 days to obtain additional information on the rule. The Commission shall file notice of the extension of time for review of a rule with the agency and the Director of the Office of Administrative Hearings. A rule may not be presented for filing with the Director of the Office of Administrative Hearings under G.S. 150B-59 unless the rule has been reviewed by the Commission as provided in this section.

(b) If the Commission reviews a rule and determines that it is within the authority delegated to the agency, is clear and unambiguous, and is reasonably necessary, the Commission shall note its approval, notify the agency, and file the rule with the Director of the Office of Administrative Hearings under G.S. 150B-59, and the rule shall become effective as provided in that section.

(c) If the Commission finds that an agency did not act within the authority delegated to it in promulgating a rule or a part of a rule, or that a rule is not clear and unambiguous, or that a rule is unnecessary, the Commission shall object and delay the filing of the rule or part of the rule under G.S. 150B-59 for a period not to exceed 90 days. The Commission shall send to the agency, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Administrative Hearings, a written report of the objection and delay of the rule or its part and the reasons for the delay. An agency may not present a rule or part of a rule that has been delayed to the Director of the Office of Administrative Hearings for filing under

G.S. 150B-59, and a rule or its part that is delayed is not 'effective', as defined in G.S. 150B-2(2a).

(d) Within 30 days after receipt of the Commission's written report as authorized by (c), the agency shall either (1) revise the rule to remove the cause of the objections of the Commission and return the revised rule to the Commission or (2) return the rule to the Commission without change with the Commission's objections attached; provided, however, that in the case of a board, committee, council, or commission the response is due within 30 days after receipt of the Commission's written report or within 10 days following the next regularly scheduled meeting of the board, committee, council, or commission, whichever time period is greater. The Commission shall determine whether a revision removes its objections to the rule.

(e) If the Commission determines that a revision of a rule has removed the Commission's objections, the Commission shall note its approval and return the rule to the agency. The agency may then file the rule with the Director of the Office of Administrative Hearings under G.S. 150B-59, and the rule shall become effective as provided in that section.

(f) Regardless of whether the agency returns the rule to the Commission without change instead of revising the rule to remove the Commission's objections or whether the Commission determines that a revision of a rule has not removed its objections, the Commission shall note its review of and objection to the rule once 90 days have passed since the Commission objected and delayed the filing of the rule or part of the rule pursuant to G.S. 143B-30.2(c) and shall return the rule to the agency. The agency may then file the rule with the Director of the Office of Administrative Hearings under G.S. 150B-59, and the rule shall become effective as provided in that section. If the agency did not remove the Commission's objections to the rule or part of the rule, the Commission may send to the President of the Senate and the Speaker of the House of Representatives a written report of its objections to the rule. Thereafter, if the General Assembly enacts legislation

disapproving the rule, the rule shall no longer be effective.

The Legislative Services Officer shall send a copy of any law disapproving a rule to the agency and the Director of the Office of Administrative Hearings as soon as a copy is available.

(g) While the filing of a rule or its part is delayed, the agency that promulgated it may not adopt another rule, including a temporary rule, that has substantially identical provisions to those for which the Commission delayed the filing of the original rule or part of a rule.

(h) The filing of an amendment to a rule places the entire rule before the Commission for its review.

(i) Rules adopted in accordance with the procedure in G.S. 150B-13 shall be reviewed by the Commission and are subject to objection as provided in (c).

The Commission shall review the reasons given for the adoption of a temporary rule and may object to the rule due to the agency's failure to make the finding required by G.S. 150B-13.

"§ 143B-30.3. Hearings. -- (a) Notwithstanding G.S. 143B-30.2(a), at any time before the time for review set out in that subsection expires or upon the written request of any agency, the Commission may call a public hearing on any rule. Within 60 days after the public hearing, the Commission may find that the agency did not act within the authority delegated to it in promulgating the rule, or that the rule is not clear and unambiguous, or that the rule is unnecessary, and object to and delay the rule in accordance with G.S. 143B-30.2.

(b) At least 15 days before the public hearing, the Commission shall give notice of the hearing to the rulemaking agency, to any person who requests a copy of the notice, and to any person who may be affected by the rule in the opinion of the chairman of the Commission.

"§ 143B-30.4. Evidence. --Evidence of the Commission's failure to object to and delay the filing of a rule or its part shall be inadmissible in all civil or criminal trials or other proceedings before courts, administrative agencies, or other tribunals."



## EXECUTIVE ORDERS

### EXECUTIVE ORDER NUMBER 51

#### Extension of Executive Orders 3, 8, 9, 10, and 12

#### Extension and Amendment of Executive Orders 7, 13, and 14 and Rescission of Executive Order 19

It has been made to appear upon satisfactory information presented to me that my Executive Orders 3, 8, 9, 10, and 12 should be extended without modification.

It has also been made to appear to upon satisfactory information that Executive Order 7 should be extended and amended to change "Secretary of Administration" to "Assistant to the Governor for Strategic Planning and Policy Development" as the person to call meetings and be advised of proposed courses of action; that Executive Order 13 should be extended and amended to provide for one additional person for health professional associations as a member of the North Carolina Health Coordinating Council; that Executive Order 14 should be extended and amended to delete the Department of Administration as having a representative member and to change "Secretary of Administration" to "Assistant to the Governor for Strategic Planning and Policy Development" as the person to call meetings and direct the Commission.

It has also been made to appear that Executive Order 19 should be rescinded because the State Personnel Commission is now performing the duties performed by the Governor's Commission for Recognition of State Employees.

Now therefore, pursuant to the authority vested in as Governor by the Constitution and laws of North Carolina IT IS ORDERED:

#### Section 1. EXTENSION OF EXECUTIVE ORDERS 3, 8, 9, 10, AND 12

The following Executive Orders are hereby reissued and extended through May 15, 1989:

Executive Order Number 3 entitled "North Carolina Advisory Council on Vocational Education",

Executive Order Number 8 entitled "Governor's Advisory Committee on Travel and Tourism",

Executive Order Number 9 entitled "North Carolina Public Transportation Advisory Council",

Executive Order Number 10 entitled "North Carolina Small Business Council", and

Executive Order Number 12 entitled "Governor's Highway Safety Commission".

#### Section 2. AMENDMENT AND REISSUANCE OF EXECUTIVE ORDER NUMBER 7 "WOMEN'S ECONOMIC ADVISORY COUNCIL"

a. Executive Order Number 7 is amended on line 3 of Section 2 and on line 4 of Section 3 by deleting the words "Secretary of Administration" and adding in their place the words "Assistant to the Governor for Strategic Planning and Policy Development."

b. Sections 2 and 3 as amended herein and each and every other section of Executive Order Number 7 not inconsistent herewith are reissued and extended through May 15, 1989.

#### Section 3. AMENDMENT AND REISSUANCE OF EXECUTIVE ORDER NUMBER 13 "NORTH CAROLINA HEALTH COORDINATING COUNCIL"

(a) Executive Order Number 13 is amended on line 17 of Section 3 beginning after the words "other health professional associations" by deleting the numeral "2" and adding in its place the numeral "3" and amended on the line 28 of Section 3 after the word "total" by deleting the numeral "23" and adding in its place the numeral "24". Said executive order is further amended on line 6 of Section 4 after the words "serving one year" by deleting the word "seven" and adding in its place the word "eight." Said executive order is amended on line 4 of Section 10 after the words "executive order" by adding the words "and Executive Order 13."

(b) Sections 3, 4 and 10 as amended herein and each and every other section of Executive Order Number 13 not inconsistent herewith are reissued and extended through May 15, 1989.

#### Section 4. AMENDMENT AND REISSUANCE OF EXECUTIVE ORDER NUMBER 14 "GOVERNOR'S TASK FORCE ON DOMESTIC VIOLENCE"

(a) Executive Order Number 14 is amended on line 8 of Section 2 by deleting the words "the Department of Administration".

Said executive order is amended on lines 2 and 3 of Section 3 by deleting the words "Secretary of Administration" and adding in their place the words "Assistant to the Governor for Strategic Planning and Policy Development."

Said executive order is amended on lines 2 and 3 of Section 4 by deleting the words "the Secretary of the Department of Administration" and adding in their place "Assistant to the Governor for Strategic Planning and Policy Development."

Said executive order is amended on the line 4 of Section 6 after the word "order" by adding the words "and Executive Order 14."

(b) Sections 2, 3, 4, and 6 as amended herein and each and every other section of Executive

Order Number 14 not inconsistent herewith are reissued and extended through May 15, 1989.

**Section 5. RESCISSION OF EXECUTIVE ORDER NUMBER 19**

Executive Order Number 19 is hereby rescinded.

Done in Raleigh, North Carolina this 14th day of July, 1987.

**EXECUTIVE ORDER NUMBER 52**

**VETERANS PREFERENCE IN JOB TRAINING PARTNERSHIP ACT (JTPA) PROGRAMS**

The State of North Carolina recognizes the unique contribution to the State and the Nation made by its citizens who have served in the Armed Forces of the United States, and is grateful for their service in the defense of this Nation and the preservation of peace.

It has been made to appear to me as follows:

1. The Job Training Partnership Act enacted by the United States Congress hereinafter "the Act" provides employment and training opportunities for economically disadvantaged individuals and for those who have barriers to employment; and

2. Veterans have been determined to be a group requiring special assistance under Sections 106(d)(3), 108(c)(2) and 123(c)(1) of the Act and Section 121(c)(3) of the Act provides for the Governor's coordination of programs and related services for individuals whom the Governor determines require special assistance; and

3. Service Delivery Areas and Private Industry Councils, as recipients of the Act's funds, have responsibility for planning and administering programs for eligible individuals in the State; and

4. Veterans should receive priority consideration for appropriate employment and training services and is striving within the confines of the law to serve Veterans through the Job Training Partnership Act; and

5. In accordance with the Act, criteria have been established for coordinating programs funded under the Act with programs and services provided by State and local education and training agencies.

NOW, therefore, it is hereby ordered, pursuant to the authority vested in me by the laws and Constitution of North Carolina:

**Section 1.** The State of North Carolina shall strive to give special consideration for employment and training opportunities to Veterans of the Armed Forces of the United States through the Act, or any similar or successor programs, with particular attention to eligible disabled Veterans and Veterans of the Vietnam era.

**Section 2.** Service Delivery Areas, as local decision makers, are encouraged to give appropriate consideration to Veterans in the design of their local programs.

**Section 3.** Service Delivery Areas shall involve representatives of Veteran's organizations when planning the Act's programs.

**Section 4.** Service Delivery Areas shall notify the appropriate District Veterans Service Officers of Private Industry Council meetings and work with the District Veterans Service Officers to establish appropriate cross-referral procedures.

**Section 5.** Service Delivery Areas shall provide District Veterans Service Officers with information regarding the Act's planning process, services available to Veterans, names of appropriate contact persons, eligibility requirements for the Act's programs and any additional information which may further the training and employment opportunities so richly merited by our Veterans.

Done in the Capital city of Raleigh, this the 30th day of July, 1987.

**EXECUTIVE ORDER 53**

**GOVERNOR'S INTER-AGENCY ADVISORY TEAM ON ALCOHOL AND OTHER DRUG ABUSE**

It has been made to appear to me as follows:

1. The dual dangers of alcohol and other drug abuse pose a growing threat to the continued progress and prosperity of North Carolina. The catastrophic effects of these hazards touch all segments of our population.

2. Several state agencies maintain alcohol and drug abuse programs, and to combat alcohol and drug abuse most effectively, it is essential for such state agencies to coordinate the development of these programs and delivery of these services.

Therefore, by the authority vested in me as Governor by the Constitution and laws of North Carolina, it is ORDERED:

**Section 1. ESTABLISHMENT**

The Governor's Interagency Advisory Team on Alcohol and Drug Abuse, hereinafter called the "Advisory Team," is hereby established. The Advisory Team shall consist of not less than nine members and shall include the following:

Deputy Secretary of the Department of Correction, or his designee;

Executive Director of the Governor's Crime Commission, or his designee;

Director of the Division of Mental Health, Mental Retardation and Substance Abuse Ser-



vices in the Department of Human Resources or his designee;

Director of Division of Youth Services in the Department of Human Resources, or his designee;

Assistant Director of State Bureau of Investigation, or his designee;

Director of Alcohol and Drug Defense in the Department of Public Instruction, or his designee;

Director of Youth Advocacy and Involvement Office, or his designee;

Director of the Governor's Highway Safety Program, or his designee.

The Chairman of the Governor's Council on Alcohol and Drug Abuse Among Children and Youth shall be the Chairman of the Advisory Team and the members shall serve at the pleasure of the Governor.

#### Section 2. FUNCTIONS

(a) The Advisory Team shall meet on at least a quarterly basis and may hold special meetings at any time at the call of the Governor, the chairperson, or three of its members.

(b) The Advisory Team shall have the following duties:

1. Coordinate existing state alcohol/drug programs and services in order to eliminate duplication and maximize the efficient use of resources;

2. Provide guidance and direction in the expansion, development, and implementation of new alcohol and other drug abuse programs;

3. Review the General Statutes of North Carolina applicable to alcohol and other drug abuse and prior to March, 1988, report to the Governor on proposed legislation that may be needed;

4. Perform such other duties as assigned by the Governor.

#### Section 3. ADMINISTRATION

(a) The Department of Administration shall provide administrative support and staff as may be required by the Advisory Team.

(b) Each agency shall defray any costs incurred by the appointee in carrying out the functions of this appointment.

(c) It shall be the responsibility of each Cabinet Department to make every reasonable effort to cooperate with the Advisory Team in carrying out the provisions of this order.

(d) The Division of Mental Health, Mental Retardation and Substance Abuse Services shall provide funding for the travel and subsistence costs incurred by the Chairman of the Advisory Team.

#### Section 4. EFFECTIVE DATE AND EXPIRATION

This Executive Order shall become effective immediately and will expire in accordance with North Carolina law two years from the date it is signed. It is subject to reissuance at expiration.

Done in the Capital city of Raleigh, this the 30th day of July, 1987.

## VOTING RIGHTS ACT FINAL DECISION LETTERS

*[G.S. 120-30.9H, effective July 16, 1986, requires that all letters and other documents issued by the Attorney General of the United States in which a final decision is made concerning a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 be published in the North Carolina Register.]*

U.S. Department of Justice  
Civil Rights Division  
Washington, D.C. 20530

Office of the Assistant  
Attorney General

July 6, 1987

Michael Crowell, Esq.  
Tharrington, Smith & Hargrove  
P. O. Box 1151  
Raleigh, North Carolina 27602

Dear Mr. Crowell:

This refers to the 1966 change from single-member districts to an at-large method of nominating candidates, and Chapter 151, H.B. No. 311 (1969) and Chapter 167, S.B. No. 209 (1969), which provide for staggered, four-year terms for the board of commissioners in Onslow County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on May 5, 1987.

We have considered carefully the information you have provided as well as information received from other interested parties. With regard to the change in the nomination process from district to at-large elections, the Attorney General does not interpose any objection. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See Section 51.41 of the Procedures for the Administration of Section 5 [52 Fed. Reg. 496 (1987)].

With regard to Chapters 151 and 167, we note at the outset that under the election system adopted by the county in 1966, and precleared above, the county commission is comprised of five members nominated and elected at large on a partisan basis for concurrent, two-year terms, with a majority vote requirement in the primary election. Since that system now has met the Section 5 preclearance requirement, it is against those procedures that we must measure the effect of the change to staggered, four-year terms as set forth in Chapters 151 and 167. See also Section 51.54(b) [52 Fed. Reg. 498 (1987)].

Viewed in that context, our analysis reveals that black candidates for county-wide office repeatedly have been unsuccessful due at least in part to an apparent pattern of racially polarized voting in county elections. Despite this voting pattern, however, and apparently through the election device of single-shot voting, the electoral history of Onslow County shows that black candidates frequently finish fourth or fifth in multi-candidate, multi-position contests. The one instance where a black candidate finished higher than fourth was a special runoff primary and general election (for the board of education) in which voter turnout was unusually low and, even in that contest, we note that the black candidate finished fifth in the first primary and qualified for the runoff only because five positions were to be elected to the school board. Thus, by restricting the number of commissioner positions to be filled at each election to two or three instead of five, it appears that the adoption of staggered terms reduces the utility of single-shot voting and thus diminishes the opportunity of black citizens to elect candidates of their choice to the board of commissioners.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S.

526 (1973); see also Section 51.52(a) [52 Fed. Reg. 497-498 (1987)]. In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to Chapters 151 and 167 (1967) to the extent that they provide for staggered terms.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.45 of the guidelines [52 Fed. Reg. 496 (1987)] permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the use of staggered terms legally unenforceable. See Section 51.10 [52 Fed. Reg. 492 (1987)].

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action Onslow County plans to take with respect to this matter. If you have any questions, feel free to call Mark A. Posner (202-724-8388), Deputy Director of the Section 5 Unit of the Voting Section.

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division



U.S. Department of Justice  
Civil Rights Division  
Washington, D.C. 20530

WBR:MAP:GS:gmh  
DJ 166-012-3  
S2610-2613  
S3855-3859

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

July 23, 1987

Michael Crowell, Esq.  
Tharrington, Smith & Hargrove  
P. O. Box 1151  
Raleigh, North Carolina 27602

Dear Mr. Crowell:

This refers to Chapter 193, H.B. No. 75 (1987), which provides for a twelve-member board of education elected from six double-member districts for six-year, staggered terms, the districting plan, the implementation schedule, the use of numbered positions in the 1987 election, and the procedures for filling vacancies; and Section 6.7 of Chapter 549, S.B. No. 348 (1987), which amends the candidate filing period for the board's 1987 election in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your initial submission on June 2, 1987; supplemental information was received on July 6, 1987. In accordance with your request, expedited consideration has been given this submission pursuant to Section 51.34 of the Procedures for the Administration of Section 5 [52 Fed. Reg. 495 (1987)].

The Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. In addition, as authorized by Section 5, the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day review period. See Sections 51.41 and 51.43 [52 Fed. Reg. 496 (1987)].

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

By:

Gerald W. Jones  
Chief, Voting Section

U.S. Department of Justice  
Civil Rights Division  
Washington, D.C. 20530

WBR:MAP:ST:sw:jmc  
DJ 166-012-3  
S2076

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

July 27, 1987

Richard J. Rose, Esq.  
Poyner & Spruill  
P. O. Box 353  
Rocky Mount, North Carolina 27802-0353

Dear Mr. Rose:

This refers to the limited redistricting for the City of Rocky Mount in Edgecombe and Nash Counties, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on May 26, 1987.

The Attorney General does not interpose any objection to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See Section 51.41 of the Procedures for the Administration of Section 5 [52 Fed. Reg. 496 (1987)].

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

By:

Gerald W. Jones  
Chief, Voting Section

## STATEMENTS OF ORGANIZATION

The following Statements of Organization were submitted to the Director of the Office of Administrative Hearings for publication pursuant to G.S. 150B-10 and 26 NCAC 2B .0102.

### NORTH CAROLINA DEPARTMENT OF ADMINISTRATION

The Department of Administration (DOA) was created by the 1957 General Assembly in an effort to consolidate many of the administrative aspects of State Government. The Executive Organization Act of 1973 recreated the Department and established the Department as one of nineteen major departments of State Government. The head of the Department is the Secretary who is appointed by the Governor and serves at the pleasure of the Governor.

The Department of Administration has two primary duties:

1. Advance the effective management, efficient operation and fair conduct of the executive branch.
2. Host boards and commissions representing various segments of North Carolina's population that have traditionally been underrepresented.

The Department is organized into Divisions and Agencies with brief descriptions as follows:

#### OFFICE OF THE SECRETARY

##### Agency for Public Telecommunications

This agency offers media production services, satellite and audio teleconferencing, and production and distribution of radio and television public service announcements for state agencies.

##### DOA Public Information Office

The duties of this office include preparation of news releases, the editing of and supervision over production of official publications and the design and production of visual aids.

##### Division of Veterans Affairs

This office assists veterans, their dependents, and the dependents of deceased veterans in obtaining and maintaining those rights and benefits to which they are entitled by law.

##### Office of Administrative Analysis

This office provides cost-free consulting services to state agencies to help make improvements in organization, methods, equipment use, staffing levels, cost reduction, and procedures.

##### Office of Fiscal Management

This office accounts for all fiscal activity of the department in conformity with requirements of the Office of State Budget and Management, the Department of State Auditor, and federal funding agencies.

##### DOA Personnel

This office is responsible for recruitment, hiring, grievance and appeal procedures, classification of positions to ensure equitable compensation for all employees, monitoring the departmental affirmative action plan, and implementation of the State Personnel System within the department.

##### State Clearinghouse

This office is responsible for coordinating the state agency and local government intergovernmental review process. Submitted for state and local review and comment are notifications of intent to apply for federal funds and environmental review documents. The purpose is to ensure that the proposed actions at one level of government do not have an adverse impact on another jurisdiction.

##### Board of Science and Technology

The purpose of this Board is to identify important research needs of both public and private institutions and organizations in North Carolina; to make recommendations concerning policies, procedures, and organizational structures that will promote effective use of scientific and technological resources in fulfilling the research needs identified, and to support research projects, purchase research equipment and supplies, construct or modify research facilities and to employ consultants from funds made available to the Board.

#### GOVERNMENT OPERATIONS

##### Auxiliary Services

Under a reorganization of the department's government operational services, a new Division of Auxiliary Services was created in January 1985. Formerly known as General Services, the reorganized division is home to:

##### Courier Service

A receipt-supported operation, this service provides courier mail and inter-office mail to lo-



## STATEMENTS OF ORGANIZATION

cal state government offices and 89 counties in North Carolina.

### Federal Surplus Property

This office acquires and distributes available federal surplus property needed by the eligible recipients in the state and funds costs for operations through receipts from sales.

### Motor Fleet Management

This office is responsible for the approximately 4,000 vehicles owned by state government. Aside from purchasing and maintenance of state vehicles, this office enforces state regulations relating to their use.

### State Capitol Police

This law enforcement agency, with police powers throughout the city of Raleigh, provides security and property protection functions for state government facilities within the Capitol City. This agency is also responsible for enforcement of regulations in state-operated parking lots.

### State Government Printing Office

A receipt-supported operation, this office provides typesetting and printing services throughout state government.

### State Surplus Property

This office is responsible for the sale of all supplies, materials, and equipment owned by the state and considered to be surplus, obsolete, or unused.

### Physical Plant

This section oversees the maintenance of the public buildings, provides necessary and adequate cleaning services, elevator operation service and other operational or maintenance services for state buildings. It is also responsible for the landscaping and maintenance of state-owned grounds in the State Government Complex and in outlying areas.

### State Construction Office

This office is responsible for the administration of the planning, design, and construction of all state facilities, including the university and community college systems. It also provides the architectural and engineering services necessary to carry out the capital improvement program for all state institutions and agencies.

### State Property Office

This office is responsible for state government's acquisition and disposition of all interest in real property whether by purchase, sale, exercise of the power of eminent domain, lease, or

rental. This office also prepares and keeps current a computerized inventory of all land holdings and buildings owned or leased by the state or any state agency.

### Division of Purchase and Contract

This office serves as the central purchasing activity for state government and certain other entities. Contracts are established for the purchase, lease and lease-purchase of the goods and services required by all state agencies, institutions, public school districts, community colleges, and the university system.

## PROGRAMS

### Governor's Advocacy Council for Persons with Disabilities

The Council pursues appropriate remedies, including legal ones, on behalf of disabled citizens who feel they have been the subject of discrimination. The Council also offers technical assistance regarding disability issues, promotes employment opportunities for disabled persons, and reviews policies and legislation relating to these persons.

### North Carolina Human Relations Council

The NCHRC provides services and programs aimed at improving relationships among all citizens of this state, while seeking to ensure equal opportunities in the areas of employment, housing, public accommodation, recreation, education, justice, and governmental services. The Council also enforces the North Carolina Fair Housing Law.

### North Carolina Commission of Indian Affairs

The Commission is responsible for bringing local, state and federal resources into focus for the implementation or continuation of meaningful programs for the Indian citizens of North Carolina.

### Youth Advocacy and Involvement Office

YAIO seeks to tap the productivity of the youth of North Carolina through their participation in community services and the development of youth leadership capabilities. The office provides case advocacy to individuals in need of services for children and youth.

### 501 Steering Committee

This committee, appointed by the Governor, oversees the state's compliance with Section 504 of the Federal Rehabilitation Act of 1973. Federal funding requirements have been estab-

lished for the accessibility for state government facilities and programs.

Office of Marine Affairs

The Office of Marine Affairs advocates and promotes public awareness, appreciation and wise utilization of the natural and cultural resources of coastal North Carolina. The three North Carolina Aquariums provide educational opportunities; the Marine Science Council recommends state ocean policies and encourages marine research; and the Outer Continental Shelf Resources Recovery Program ensure stewardship while providing state participation in regional and federal resource utilization efforts.

The public may obtain information about and make submissions or requests to the Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27603-8003. Telephone (919) 733-7232.

**NORTH CAROLINA DEPARTMENT OF  
AGRICULTURE**

The North Carolina Department of Agriculture is a statutorily created agency G.S. 106-2, within the executive branch of the state government. The Commissioner of Agriculture, a statewide elected official as provided for in Article III, Section 7(1) of the North Carolina Constitution, is the head of the Department of Agriculture. The Department of Agriculture is organized into thirteen divisions. A number of boards and commissions are administratively located in the department.

A. Departmental Divisions:

1) Agronomic Services

The Agronomic Services Division performs laboratory analysis of soil and plant samples for farmers and homeowners. Tests determine the fertility of soil and the nutrient quantity and balance of plants through tissue analysis. Nematodes are quantified from soil and plant root samples and diseases are diagnosed. Fertilizer application and nematode management recommendations are made based on test results. Growers are assisted in the field with problem diagnosis and optimum crop production strategies by Regional Agronomists.

Mailing Address:  
Agronomic Services Division  
N. C. Department of Agriculture  
Blue Ridge Road Center

Raleigh, NC 27611  
Telephone: (919) 733-2657

2) Crop & Livestock Reporting Service

The Crop and Livestock Reporting Service Division is responsible for collecting, preparing, and disseminating regular series of official crop, livestock and price estimates along with other statistics relative to agriculture in North Carolina and the nation.

Mailing Address:  
Crop & Livestock Reporting  
Service Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7293

3) Food Distribution

The Food Distribution Division operates in cooperation with the USDA to provide food at no cost for distribution to schools of high school grade or under, charitable institutions and needy persons. It is the responsibility of this division to requisition, store, and deliver the food.

Mailing Address:  
Food Distribution Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, N. C. 27611  
Telephone: (919) 733-7661

4) Food and Drug Protection

The Food and Drug Protection Division assures consumers that foods, feeds, drugs, cosmetics, pesticides, and automotive antifreezers are safe, wholesome and properly labeled. Statewide inspections and chemical analyses offer protection against unsafe, deceptive and fraudulent products. Annual registration of pesticides offered for sale within North Carolina and pesticide applicator licensing and certification is administered by the Pesticide Section.

Mailing Address:  
Food and Drug Protection Division  
N. C. Department of Agriculture  
4000 Reedy Creek Road  
Raleigh, NC 27607  
Telephone: (919) 733-7366

Mailing Address:  
Pesticide Section  
N. C. Department of Agriculture  
P. O. Box 27647

## STATEMENTS OF ORGANIZATION

Raleigh, NC 27611  
Telephone: (919) 733-3556

### 5) Marketing

The Marketing Division promotes the sale of North Carolina agriculture food products, reports farm prices on major commodities and determines and certifies the official grade of farm products. The Marketing Division also organizes special livestock sales, arranges buyer-seller contacts, provides marketing advice and assistance to producers, processors and handlers and administers the N. C. Egg Law and the Farm Products marketing and branding law. Regional Farmers' Markets in Raleigh, Charlotte and Asheville are also operated by the Marketing Division.

Mailing Address:  
Marketing Division  
N.C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7887

### 6) Museum of Natural Sciences

The Museum of Natural Sciences Division maintains collections and disseminates knowledge concerning the natural history (flora, fauna, minerals, fossils and ecology) of North Carolina through (1) temporary and permanent exhibits; (2) systematic collections and data files in the charge of taxonomic specialists trained to solve problems of identification and classification; (3) ecological and other field studies of southeastern biota; (4) educational services including teacher education programs, vocational training, curriculum and program development, classes, lectures and preparation of popular and educational materials on natural history topics; (5) publication of natural history books, papers, articles, pamphlets, and similar materials; and (6) operation of the N. C. Maritime Museum.

Mailing Address:  
Museum of Natural  
Sciences Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7450

Mailing Address:  
N. C. Maritime Museum  
N. C. Department of Agriculture  
315 Front Street  
Beaufort, NC 28516  
Telephone: (919) 728-7317

### 7) North Carolina State Fair

The North Carolina State Fair Division is responsible for the annual North Carolina State Fair in October. During non-Fair time, the North Carolina State Fair rents various Fair Facilities to the general public for special events.

Mailing Address:  
N. C. State Fair Division  
N. C. Department of Agriculture  
1025 Blue Ridge Blvd.  
Raleigh, NC 27607  
Telephone: (919) 733-2145

### 8) Plant Industry

The Plant Industry Division performs fertilizer and seed examinations to check for accuracy in labeling and quality of product. The division also administers Plant Pest laws.

Mailing Address:  
Plant Industry Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-3930

### 9) Public Affairs

The Public Affairs Division is responsible for disseminating pertinent information to the public through news releases and other media contacts. The division is also responsible for publishing "Agriculture Review." Media questions may be directed to the division, and they will be channeled to the proper individual if further expertise is required.

Mailing Address:  
Public Affairs Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-4216

### 10) Research Stations

Fifteen research stations and four state farms comprise the Research Stations Division of the Department of Agriculture. The research stations cooperate with scientists at the land-grant universities to develop new agronomic products and trends, working in conventional crops but also working in new crops to the state. Research is also conducted on the State Farms, whose primary purpose is to produce food for state institutions.



## STATEMENTS OF ORGANIZATION

Mailing Address:  
Research Stations Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-3236

### 11) Standards

The Standards Division administers the weights and measures program which includes the verification of the accuracy of commercial weighing and measuring devices and the inspection of packaged items for compliance with net contents statements. The division also tests petroleum products and inspects LP Gas installations.

Mailing Address:  
Standards Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-3313

### 12) Structural Pest Control

The Structural Pest Control Division is responsible for licensing commercial pest control operators within North Carolina. It is also the responsibility of the division to inspect the quality of work performed by licensed operators, and to enforce pesticide safety requirements.

Mailing Address:  
Structural Pest Control Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-6100

### 13) Veterinary

The Veterinary Division monitors all animal disease outbreaks and administers animal health programs in North Carolina. The division also provides veterinary diagnostic services and animal health inspections. All processing and slaughter facilities in the state are inspected by the division to insure cleanliness of the operation and wholesomeness of the finished product. The division also regulates dog and cat dealers under the Animal Welfare Act.

Mailing Address:  
Veterinary Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7601

Mailing Address:  
Rollins Diagnostic Laboratory  
2101 Blue Ridge Road  
P. O. Box 12223  
Cameron Village Station  
Raleigh, NC 27605  
Telephone: (919) 733-3986

### B. Boards and Commissions

#### 1) North Carolina Agricultural Hall of Fame Board of Directors

The North Carolina Agricultural Hall of Fame Board of Directors was created by G.S. 106-568.14. The eight-member Board of Directors is composed of the Commissioner of Agriculture, the Director of the North Carolina Extension Service, the State Supervisor of Vocational Agriculture, the President of the North Carolina Farm Bureau, and the Master of the State Grange, as ex-officio members, and three members appointed by the Governor.

The Board of Directors is authorized to adopt rules and regulations which govern the acceptance and admission of candidates to the North Carolina Agricultural Hall of Fame Rules promulgated by the board are codified in 2 NCAC 31.

Mailing Address:  
Public Affairs Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-4216

#### 2) Board of Agriculture

The Board of Agriculture was created by G.S. 106-2. The eleven-member Board of Agriculture is composed of the Commissioner of Agriculture, an ex-officio member who serves as the board's Chairman, and ten members appointed by the Governor.

The Board of Agriculture is a policymaking body with respect to the improvement of agriculture and a rulemaking body with respect to all programs administered by the Department of Agriculture, exclusive of Pesticides, Plant Conservation, Gasoline and Oil Inspection and Structural Pest Control. Rules promulgated by the board are codified in 2 NCAC.

Mailing Address:  
Secretary, Board of Agriculture  
N. C. Department of Agriculture

## STATEMENTS OF ORGANIZATION

P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7125

### 3) Board of Crop Seed Improvement

The Board of Crop Seed Improvement was created by G.S. 106-269. The board promotes the development and distribution of pure strains of crop seed to North Carolina farmers. The board is authorized to adopt rules and regulations which relate to the certification of pure crops seeds. Rules promulgated by the board are codified in 2 NCAC 29.

Mailing Address:  
Board of Crop Seed Improvement  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-3930

### 4) State Farm Operations Commission

The State Farm Operations Commission was created by G.S. 106-26.13. The seven-member committee develops policies for the use and operation of the State Farm Units.

Mailing Address:  
State Farm Operations Commission  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-3236

### 5) Gasoline and Oil Inspection Board

The Gasoline and Oil Inspection Board was created by G.S. 119-26. The five-member board is composed of the Commissioner of Agriculture, the Director of the Standards Division and three members appointed by the Governor.

The board is authorized to adopt rules and regulations which govern the quality, labeling, transportation and inspection of liquid motor fuels, kerosene and other heating oils. Rules promulgated by the board are codified in 2 NCAC 42.

Mailing Address:  
Standards Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-3313

### 6) North Carolina Public Livestock Market Advisory Board

The North Carolina Public Livestock Market Advisory Board was created by G.S. 106-407.1. The eight-member board serves in an advisory capacity to the Commissioner of Agriculture and the Board of Agriculture on issues which relate to the livestock markets and proposes rule changes related to this area. The board also is required to attend any hearing for a license to operate a public livestock market.

Mailing Address:  
Veterinary Division  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7601

### 7) Advisory Commission for the Museum of Natural Sciences

The Advisory Commission for the Museum of Natural Sciences was created by G.S. 143-370. The nine-member commission establishes policies for the Museum and works to promote and develop the Museum and its resources.

Mailing Address:  
Museum of Natural Sciences  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7430

### 8) Structural Pest Control Committee

The Structural Pest Control Committee was created by G.S. 106-65.23. The five-member committee is authorized to adopt rules and regulations which regulate Structural Pest Control activities. The committee is an occupational licensing board with respect to Structural Pest Control operators in North Carolina. Rules promulgated by the committee are codified in 2 NCAC 34.

The committee has the authority to deny, revoke, suspend or modify the license, certified applicator's card or identification card of any person adjudged to have violated the Law or Regulations.

Mailing Address:  
Secretary, Structural Pest Control  
Committee  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-6100

## STATEMENTS OF ORGANIZATION

### 9) North Carolina Pesticide Board

The Pesticide Board was created by G.S. 143-436. The seven-member board is authorized to adopt rules and regulations which govern the nonstructural application, sale, disposal, and registration of pesticides and the licensing and certification of pesticide applicators. The board is an occupational licensing board with respect to commercial pesticide applicators and private pesticide applicators. Rules promulgated by the board are codified in 2 NCAC 9L. The board has the authority to assess civil penalties against any person adjudged to have violated the Law or Regulations and to suspend, revoke, deny or modify the licenses of persons adjudged to have violated the Law or Regulations.

Mailing Address:  
Secretary, North Carolina  
Pesticide Board  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-3556

### 10) Pesticide Advisory Committee

The Pesticide Advisory Committee was created by G.S. 143-439. The seventeen-member committee is appointed by the Pesticide Board. The committee serves in an advisory capacity to the Commissioner of Agriculture and the Pesticide Board on technical questions submitted to it and the development of rules and regulations which relate to pesticides.

Mailing Address:  
Pesticide Advisory Committee  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-3556

### 11) North Carolina Plant Conservation Board

The North Carolina Plant Conservation Board was created by G.S. 106-202.14. Four members of the seven-member board are appointed by the Governor and the remaining members are appointed by the Commissioner of Agriculture. The board is authorized to adopt rules and regulations which classify plant species as either endangered, threatened or of special concern when necessary, and regulate the handling of classified plants. Rules promulgated by the board are codified in 2 NCAC 10.

Mailing Address:  
Plant Protection Section  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-6930

### 12) North Carolina Plant Conservation Scientific Committee

The North Carolina Plant Conservation Scientific Committee was created by G.S. 106-202.17. The ten-member committee serves in an advisory capacity to the North Carolina Plant Conservation Board on matters relating to plant species classified as either endangered, threatened or of special concern.

Mailing Address:  
Plant Protection Section  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-6930

### 13) North Carolina Agricultural Finance Authority

The North Carolina Agricultural Finance Authority was created by G.S. 122D-4. The ten-member Finance Authority is empowered to provide capital and credit at interest rates within the financial means of persons and businesses engaged in agriculture and agricultural exports.

Mailing Address:  
Secretary, North Carolina  
Agricultural Finance Authority  
North Carolina Department of  
Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7125

### 14) North Carolina Grape Growers Council

The North Carolina Grape Growers Council was created by G.S. 106-750. The eleven-member Council is appointed by the Commissioner of Agriculture. The Council promotes the growth and development of North Carolina's grape and wine industry.

Mailing Address:  
Secretary, North Carolina  
Grape Growers Council  
Markets Division  
North Carolina Department of  
Agriculture  
P. O. Box 27647



## STATEMENTS OF ORGANIZATION

Raleigh, NC 27611  
Telephone: (919) 733-7136

### 15) Rural Rehabilitation Corporation Board of Directors

The Rural Rehabilitation Corporation Board of Directors was created by G.S. 137-31.3. The nine-member Board acts as the governing body of the North Carolina Rural Rehabilitation Corporation which serves as a social and financial instrumentality in assisting to rehabilitate farm families by enabling them to secure subsistence and gainful employment from the soil.

Mailing Address:  
Secretary, Rural Rehabilitation  
Corporation  
Fiscal Management Division  
North Carolina Department of  
Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-2113

### 16) Northeastern North Carolina Farmers Market Commission

The Northeastern North Carolina Farmers Market Commission was created by G.S. 106-720. The nine-member Commission is empowered to establish a farmers market in northeastern North Carolina that will facilitate the sale and marketing of agricultural commodities produced in the area. The Commission also serves in an advisory capacity to the Commissioner of Agriculture on the operation of the market.

Mailing Address:  
Chairman, Northeastern North  
Carolina Farmers Market Commission  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7125

### 17) Northeastern Farmers Market Advisory Board

The Northeastern Farmers Market Advisory Board was created by G.S. 106-721. The Board consists of one member from each of the counties served by the Northeastern North Carolina Farmers Market, appointed by the Commissioner of Agriculture. The Board serves in an advisory capacity to the Northeastern North Carolina Farmers Market Commission.

Mailing Address:  
Secretary, Northeastern Farmers  
Market Advisory Board  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7125

### 18) Southeastern North Carolina Farmers Market Commission

The Southeastern North Carolina Farmers Market Commission was created by G.S. 106-727. The nine-member Commission is empowered to establish a farmers market in southeastern North Carolina that will facilitate the sale and marketing of agricultural commodities produced in the area. The Commission also serves in an advisory capacity to the Commissioner of Agriculture on the operation of the market.

Mailing Address:  
Chairman, Southeastern North Carolina  
Farmers Market Commission  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7125

### 19) Southeastern Farmers Market Advisory Board

The Southeastern Farmers Market Advisory Board was created by G.S. 106-728. The Board consists of one member from each of the counties served by the Southeastern North Carolina Farmers Market, appointed by the Commissioner of Agriculture. The Board serves in an advisory capacity to the Southeastern North Carolina Farmers Market Commission.

Mailing Address:  
Secretary, Southeastern Farmers  
Market Advisory Board  
N. C. Department of Agriculture  
P. O. Box 27647  
Raleigh, NC 27611  
Telephone: (919) 733-7125

## NORTH CAROLINA OFFICE OF THE STATE AUDITOR

The State Auditor is an elected official of the State of North Carolina. He is the administrative head of the State Auditor's Office and is a member of the Council of State.

The Auditor's Office is responsible for financial and legal compliance audits for all state

## STATEMENTS OF ORGANIZATION

departments, institutions and clerks of court. An important part of the audit function is the annual audit of the general purpose financial statements included in the State of North Carolina's comprehensive annual financial report. This report is widely circulated throughout the nation and is heavily relied upon by bondholders and federal authorities.

Audits are conducted in conformity with G.S. 147 and the Federal Single Audit Act of 1984. They are accepted as meeting the necessary standards of the various inspectors general of federal grantor agencies.

In addition, the State Auditor's Office audits state programs and activities and reports on their economy, efficiency and whether they achieve results intended.

The audit staff is supervised by two deputies, and audit director and five audit managers. It has a staff of 135 professionals.

The State Auditor also administers the North Carolina Firemen's and Rescue Squad Workers' Pension Fund. The fund has a current membership of approximately 22,000 active and 4,000 retired members.

### NORTH CAROLINA DEPARTMENT OF COMMERCE

The Department of Commerce was established as part of the State Government Reorganization Act of 1971. At that time, the Department consisted almost entirely of regulatory agencies and Employment Security Commission.

In 1977, the economic development divisions, state ports, and energy programs were merged into the Department of Commerce. Thus, for the first time, all major state government programs designed to develop and promote economic development in North Carolina were consolidated within one department.

The regulatory agencies use their authority independently of the Commerce department, including holding hearings and engaging in rule making. The department provides administrative services for those regulatory agencies.

Among the Department's most important non-regulatory agencies are its five Economic Development Divisions. Supervised by the Secretary and the North Carolina Board of Economic Development, the divisions are also directed to assist the Department's Assistant

Secretary for Traditional Industry. The divisions are:

**Business/Industry Development Division.** This division is North Carolina's lead industrial recruitment and business assistance agency. Its staff works closely with other public and private development organizations to encourage the growth and expansion of North Carolina's existing companies, as well as to attract new industries to the state. The Division operates a statewide office in Raleigh and eight regional field offices.

**International Division.** As its name implies, the department's International Division is primarily responsible for North Carolina's foreign trade and industrial recruitment activities. With representatives in Tokyo, Japan and Dusseldorf, West Germany, the division helps foreign firms interested in establishing new business operations in North Carolina, and assists Tar Heel firms in marketing products and services overseas.

**Small Business Development Division.** While the Business/Industry Development Division works with existing firms, Commerce's Small Business Development Division acts to encourage the growth and development of new businesses and smaller firms that are already operational. The division operates a clearinghouse for small business information and referrals, and serves as an advocate for small business concerns in government policy making. The Division's Office of Minority Business Development helps minority-owned firms and certifies firms for the state's purchasing program to assist minority-, women-, and disabled-owned enterprises.

**Travel and Tourism.** Operates as a Chamber of Commerce for the entire state. The division promotes North Carolina as a vacation destination. The purpose of the division is to increase travel expenditures in North Carolina, create additional employment and personal income for those employed by the Travel Industry, and to strengthen the overall economy of the state. This is achieved by conducting the state travel advertising campaign, servicing travel inquires, and producing a public relations program on behalf of the state.

**Film Office.** Established in 1980 to encourage and assist motion picture and television production activity throughout the state, the office operates as a specialized unit of economic development under the direction of the Secretary. Primary targets of the office's recruitment program are major Hollywood studio productions, television commercials, and independent theatrical and television films.

## STATEMENTS OF ORGANIZATION

Other non-regulatory agencies housed within the Department of Commerce and important to North Carolina's overall economic development are:

**State Ports Authority.** North Carolina operates state ports at Wilmington and Morehead City and leases operation of a small harbor at Southport as well as the Charlotte Intermodal Terminal in Charlotte. Ships from most of the world bring or pick up goods at the Morehead City and Wilmington Ports. Under the direction of the Secretary and **The State Ports Authority Board**, the State Ports Authority promotes the use of North Carolina's ports, oversees construction of facilities at the ports, and operates ports services, such as cranes to unload the goods off the ship.

**Energy Division.** Duties and responsibilities are to serve as the principal agency in state government to promote energy efficiency, prepare and implement emergency energy plans, prepare energy forecasts, provide energy information, support the Energy Policy Council, and provide energy policy support to the Governor.

**Employment Security Commission.** Administers the North Carolina Employment Service, North Carolina's unemployment insurance program, and prepares labor market information.

The Commission's Employment Service provides job placement services to all members of the public, including interviewing, counseling, testing, job development, and referral. Specialized services are available to the handicapped, the aged, youth, veterans, and to migrant and seasonal farm workers. The Employment Service is also involved in the administration of such federal programs as Work Incentive (WIN), Veterans Employment Service (VES), and the Job Training Partnership Act (JTPA).

The unemployment insurance program provides benefits to workers unemployed through no fault of their own. The ESC determines entitlement to benefits and makes payments to eligible claimants. The agency also administers federal unemployment insurance programs such as Federal Supplemental Benefits (FSB); Special Unemployment Assistance (SUA); Unemployment Compensation for Federal Employees (UCFE), and others.

The Labor Market Information division of ESC statistical department compiles figures on unemployment and employment in wages, projected occupational needs, and other data. This

information is used by federal and state officials, planners, and prospective employers for a variety of purposes.

**Technological Development Authority.** Provides direct seed capital financing for North Carolina small businesses developing new or improved products and processes. The authority also provides direct grants to nonprofit community-based organizations establishing small business 'incubator' facilities designed to house and support new small businesses in their earliest stages of development.

### REGULATORY AGENCIES

Regulatory agencies housed in the Department of Commerce include:

**Alcoholic Beverage Control Commission.** Responsible for controlling all aspects of the sale and distribution of alcoholic beverages in North Carolina. The State's system is unique among the 50 states because of more than 152 separate county and municipal ABC Boards which are responsible for the sale of alcoholic beverages in the counties of cities or the State. In each case a vote of the people was required to establish the system.

**Banking Commission.** Regulates and supervises the activities of the 49 banks and their 874 branches chartered under the laws of North Carolina. The Commission is responsible for the safe conduct of business; the maintenance of public confidence; and the protection of the banks' depositors, debtors, creditors, and shareholders. The staff of the Office of Commissioner of Banks conducts examinations of all state-chartered banks and consumer finance licensees; processes applications for new banks, applications for branches of existing banks, and all applications for licenses. In addition, the Office of Commissioner of Banks supervises the state's bank holding companies, Sale of Checks Act licensees, and pre-need burial trust fund licensees.

**Burial Commission.** Supervises and audits 280 North Carolina mutual burial associations, which have approximately one-half million members. A mutual burial association is a nonprofit corporation that pays a limited amount toward burial expenses.

**Cemetery Commission.** Regulates and supervises the activities of cemeteries, cemetery management organizations, cemetery sales organizations, cemetery brokers, and individual pre-need cemetery sales people licensed under the laws of North Carolina. Its principal function is



## STATEMENTS OF ORGANIZATION

to conduct examinations of all licensed cemeteries. It also authorizes the establishment of and licenses cemeteries, cemetery sales organizations, cemetery management organizations, cemetery brokers, and pre-need salespeople.

**Credit Union Commission.** Supervises and regulates the operations of 192 state chartered credit unions, which serve over 450,000 members. Its staff conducts annual examinations of all credit unions to insure proper bookkeeping and compliance with the law.

**Industrial Commission.** Administers the Workers' Compensation Act (NC G.S. 97-1, et seq.); the State Tort Claims Act (NC G.S. 143-291, et seq.); and the Law Enforcement Officers', Firemen's and Rescue Squad Workers' Death Benefit Act (NC G.S. 143-166.1, et seq.). Additionally, the Commission has been charged with the responsibility for administering the Childhood Vaccine-Related Injury Compensation Program (NC G.S. 130-422, et seq.), effective October 1, 1986. The Commission administratively handles approximately 200,000 claims per year and conducts trials in nearly 5,000 contested claims annually.

**Milk Commission.** Formed in 1953, the Commission has the primary responsibility of assuring that an adequate supply of wholesome milk is available to the state's citizens. To accomplish this, the Commission has been given the authority to regulate the production, marketing, and distribution of milk. The Commission establishes the minimum prices milk producers are paid for raw milk.

**Rural Electrification Authority.** Supervises 28 electric membership corporations and 9 telephone membership corporations in the state to see that they apply their rules and regulations on a non-discriminatory basis to individual North Carolinians. It also acts as an ombudsman for member complaints and as the liaison between the membership corporations and the United States Rural Electrification Administration for federal loans. All loan applications must first have the approval of the North Carolina Rural Electrification Authority Board before they can be considered by the federal Rural Electrification Administration.

**Savings and Loan Commission.** Regulates and supervises savings and loan associations chartered under the laws of North Carolina. Its principal functions are to supervise and to examine all state-chartered savings and loan associations and to process applications for new charters, branches, mergers, and acquisitions.

**Utilities Commission.** Regulates rates of various utilities. It also investigates customer complaints regarding utility operations and services. The seven member Commission has jurisdiction over public electric, telephone, natural gas, water and sewer companies, passenger carriers, freight carriers, and railroads.

**Utilities Commission Public Staff.** Created by the legislature in 1977, the Public Staff represents customers in rate cases and other utilities matters. This independent staff appears before the Commission as an advocate of the using and consuming public.

Together, the Commerce Department's regulatory and non-regulatory agencies now employ approximately 2,600 workers; roughly 2,000 of these are housed in the Employment Security Commission. The Department's annual budget, not including Employment Security, totals around \$70,000,000, roughly \$9,250,000 of which is federal funds. The Employment Security Commission, which is funded entirely by the federal government, operates on an annual budget of approximately \$67,000,000.

In summary, the North Carolina Department of Commerce serves the public in a variety of ways.

By recruiting new industry, encouraging the development of small businesses and other existing firms, and promoting tourism and international trade, the Department encourages the creation of new jobs and other forms of economic opportunity which contribute to North Carolina's overall quality of life.

Through the Employment Security Commission, the Department administers North Carolina's unemployment insurance program and provides free job placement services for North Carolina citizens.

Finally, Commerce's regulatory agencies work to assure fair and equitable treatment for consumers and producers throughout the state's economy.

### BOARDS WITHIN THE DEPARTMENT OF COMMERCE

#### ALCOHOLIC BEVERAGE CONTROL COMMISSION (G.S. 18B200, 18B-203)

**Purpose:** Administer the ABC laws;  
Provide for enforcement of the ABC laws, in conjunction with the ALE Division;

## STATEMENTS OF ORGANIZATION

Set the prices of alcoholic beverages sold in local ABC stores as provided in Article 8;

Require reports and audits from local boards as provided in G.S. 18B-205;

Determine what brands of alcoholic beverages may be sold in this state;

Contract for State ABC warehousing as provided in G.S. 18B-204;

Dispose of damaged alcoholic beverages, as provided in G.S. 18B-806;

Remove for cause any member or employee of a local board;

Supervise or disapprove purchasing by any local board and inspect all records of purchases by local boards;

Approve or disapprove rules adopted by any local board;

Approve or disapprove the opening and location of ABC stores as provided in Article 8;

Issue ABC permits and impose sanctions against permit holders;

Provide for the testing of alcoholic beverages as provided in G.S. 18B-206;

Fix the amount of bailment charges and bailment surcharges to be assessed on liquor shipped from a Commission warehouse;

Collect bailment charges and bailment surcharges from local boards;

Notwithstanding any law to the contrary, enter into contracts for design and construction of a warehouse of warehouses and supervise work and materials used in the construction as provided in G.S. 18B-204.

**Composition:** 3 members appointed by Governor.

**Term:** Pleasure of Governor.

**Officers:** Chairman designated by the Governor.

### COMMISSIONER OF BANKS (G.S. 53-92)

**Purpose:** To charter, license, and supervise state-chartered banks, industrial banks, trust companies, consumer finance licensees, pre-need burial licensees, and sale of checks act licensees.

To take charge of or to close insolvent banks, industrial banks, and trust companies.

To sue or defend in actions necessary or proper to the discharge of his office.

To exercise powers under supervision of Banking Commission.

To keep records of all official acts, rulings, and transactions.

**Composition:** Appointed by Governor. General Assembly confirmation required.

**Term:** 4 years.

### STATE BANKING COMMISSION (G.S. 53-92)

**Purpose:** On request, provide for hearings before the Commission in connection with banking laws.

Supervise, direct and review the actions of the Commissioner of Banks.

**Composition:** 12 appointed by Governor (five are practical bankers and seven represent the borrowing public), 1 appointed by General Assembly upon recommendation of President of the Senate (practical banker), 1 appointed by General Assembly upon recommendation of Speaker of the House of Representatives (representing the borrowing public) and 1 ex officio (State Treasurer).

**Term:** 4 years.

**Officers:** Chairman is State Treasurer.

### NC MUTUAL BURIAL ASSOCIATION COMMISSION (BURIAL COMMISSION) (G.S. 58-241.8)

**Purpose:** Supervise all burial associations authorized to operate in NC, to determine that such associations are operated in conformity.

To assist the Burial Association Administrator with prosecution of violations.

Counsel and advise the Administrator in performance of his duties and to protect the interest of members of Mutual Burial Associations.

**Composition:** 5 members - 1 appointed by Governor and 4 elected by Burial Associations (authorized by the Statutes.)

**Term:** 5 years.

**Officers:** Chairman is elected by Commission. Secretary - Burial Association Administrator.

### CAPE FEAR RIVER NAVIGATION AND PILOTAGE COMMISSION (G.S. 76-1)

**Purpose:** Make and establish rules and regulations for the qualifications, arrangements, and stations of pilots.

To prescribe, reduce and limit the number of pilots necessary to maintain an effective pilotage service for the Cape Fear River and Bar.

To organize all pilots licensed by it into a mutual association.

Examination and licensing of pilots for the Cape Fear River and Bar.

## STATEMENTS OF ORGANIZATION

Appoint and regulate pilots' apprentices.

Grant permission to any pilot in good standing and authorized to pilot vessels, to run regularly as pilots on steamers running between the port of Wilmington and other ports of the U.S.

Cancel licenses.

To hear and determine any matter of dispute between pilots and masters of vessels or between pilots themselves.

Retire pilots from active service.

**Composition:** 5 members appointed by Governor. (At least 4 residents of New Hanover county and none shall be licensed pilots.)

**Term:** 4 years.

**Officers:** Chairman designated by the Governor to serve at his pleasure.

### CEMETERY COMMISSION (G.S. 65-50)

**Purpose:** To regulate and supervise the activities of cemetery companies, cemetery sales and/or management organizations, cemetery brokers and individual selling pre-need cemetery property that comes within the jurisdiction of the NC Cemetery Act.

**Composition:** 7 members - appointed by Governor. (2 owners or managers of cemeteries in NC, 2 public members who have no financial interest in and are not involved in management of any cemetery or funeral related business, 3 members selected from 6 nominees submitted by the NC Cemetery Association.)

**Term:** 4 years.

**Officers:** Chairman and Vice Chairman elected by Commission.

### CREDIT UNION COMMISSION (G.S. 143B-439)

**Purpose:** Review, approve or modify any action taken by the administrator of Credit Unions.

To hear an appeal from a ruling order or decision of the Administrator which any credit union feels aggrieved.

To fix a date, time, and place for hearing of the appeal and serve notice upon the Administrator.

**Composition:** 7 members appointed by Governor. (3 with at least 3 years of experience as Credit Union Directors or in management of State-chartered Credit Unions. No 2 persons

shall be residents of the same senatorial district, no person shall be on a Board of Directors or employed by another type of financial institution, and no person shall serve on the Commission for more than two complete consecutive terms.)

**Terms:** 4 years.

**Officers:** Chairman elected by and from membership.

### ECONOMIC DEVELOPMENT BOARD (G.S. 143B-434)

**Purpose:** Formulate a program for the economic development of the State of NC and assist the Secretary of Commerce in carrying out his duties and powers in matters relating to existing industry, the recruitment of industry and the expansion of the travel and tourism industries.

Members serve on four committees: Travel and Tourism (3490), International Committee, Business Assistance Committee, Industrial Committee.

**Composition:** 25 members appointed by Governor, Lt. Governor and the Speaker of the House.

**Term:** 4 years.

**Officers:** Chairman and Vice Chairman designated by the Governor. Secretary of Commerce serves as Secretary.

### EMPLOYMENT SECURITY COMMISSION (G.S. 96-3)

**Purpose:** To reduce and prevent unemployment.

To encourage and assist in the adoption of practical methods of vocational training, retraining and guidance.

To investigate, recommend, advise and assist in the establishment and operation of reserves for public works to be used in times of business depression and unemployment.

To promote the reemployment of unemployed workers.

To distribute the Commission's regulations, general rules and its biennial reports to the Governor.

**Composition:** 7 members appointed by Governor, one of whom is designated by the Governor as Chairman.

**Term:** 4 years for Commissioners; Chairman serves at the pleasure of the Governor.



## STATEMENTS OF ORGANIZATION

**Officers:** Chairman is appointed by the Governor.

### EMPLOYMENT SECURITY COMMISSION ADVISORY COUNCIL (G.S. 96-4(e))

**Purpose:** Aid the Employment Security Council in forming policies and discussing problems related to the administration of Employment Security, and in assuring impartiality and freedom from political influence in the solution of such problems.

**Composition:** No specified number of members appointed by Governor. (An equal number of employees and employers who represent the State because of their vocation, employment or affiliation. Public members may be designated.)

**Term:** Pleasure of Governor.

### ENERGY POLICY COUNCIL (G.S. 113B-3)

**Purpose:** To develop and recommend to the Governor a comprehensive long-range State energy policy to achieve maximum effective management and use of present and future sources of energy.

To conduct an ongoing assessment of the opportunities and constraints presented by various uses of all forms of energy and to encourage the efficient use of all such energy.

To continually review and coordinate all State government research, education, and management programs and educate and inform the general public.

To recommend to the Governor and to the General Assembly needed energy legislation and the changes for implementation.

**Composition:** 18 members - 9 appointed by Governor; 2 by the President of Senate, 2 by the Speaker of the House, and 5 Ex officio. (2 Representatives, 2 Senators, 1 experienced in the electric power industry, 1 experienced in the natural gas industry, 1 petroleum marketing industry, 1 economic analysis of energy requirements, 1 environmental protection, 1 industrial energy consumption, 1 alternative sources of energy, 1 city government, and 1 county government. Ex officio - Chairman of NC Utilities, Commissioner of Agriculture, Secretary of Natural Resources and Community Development, Secretaries of Commerce and Administration or their designees).

**Term:** 4 years.

**Officers:** Chairman appointed by Governor. Vice Chairman elected from and by membership.

### HAZARDOUS WASTE TREATMENT COMMISSION (G.S. 143B-470)

**Purpose:** To provide for siting, construction and operation of comprehensive hazardous waste management facilities for cost-effective treatment and disposal of hazardous waste consistent with public health and safety and maintenance of the environment.

Seek communities interested in hosting hazardous waste treatment facilities and private operators of hazardous waste treatment facilities and present appropriate sites to those operators.

If no permit to operate treatment facility granted to operator by April 1, 1987, begin proceedings to purchase, or if necessary condemn, property for treatment facility site(s) under the State's power of eminent domain, and seek private operators to construct facility on such site(s).

If no permit to operate a hazardous waste treatment facility granted to operator by September 1, 1987, submit plans to General Assembly for construction of a facility and seek private operator, and if no private operator can be found, operate the facility.

Issue bonds and other notes of obligation.

**Composition:** 9 members, 3 appointed by the Governor, 3 by the Lt. Governor, and 3 by the Speaker of the House. Members of the General Assembly may not serve on the commission and no member may serve more than two consecutive four year terms.

**Term:** 4 years.

**Officers:** Chairman and Vice Chairman appointed by Governor to serve at his pleasure.

### INDUSTRIAL COMMISSION (G.S. 97-1 et seq.) (G.S. 143-291 et seq.) (G.S. 143-166.1 et seq.)

**Purpose:** The Industrial Commission administers the Workers' Compensation Act; the State Tort Claims Act; the Law Enforcement Officers', Firemen's and Rescue Squad Workers' Death Benefit Act; and the Childhood Vaccine-Related Injury compensation Program.

The Commission administratively processes non-contraverted matters under the various Acts and serves as a court in the hearing of contested matters arising under the same statutes.

**Composition:** 3 members appointed by Governor. The Commission employs Deputy

## STATEMENTS OF ORGANIZATION

Commissioners, who are subject to the State Personnel Act. The Deputy Commissioners hold hearings and render decisions in contested cases.

**Term:** Commissioners serve 6 year terms, with one of the three terms expiring every two years.

**Officers:** Chairman is appointed by and serves at the pleasure of the Governor.

### MILK COMMISSION (G.S. 106-266.7)

**Purpose:** To assure that an adequate supply of milk is available to the citizens of the state, the Milk commission is empowered to regulate the production, distribution, and sale of milk for consumption in the state.

**Composition:** 10 members - 3 appointed by Governor (2 public and 1 retailer); 2 by the General Assembly upon recommendation of the Lt. Governor (1 public and 1 producer who markets to a cooperative plant); 2 by the General Assembly upon recommendation of the Speaker of the House (1 public and 1 processor-distributor representing a proprietary plant); 3 by the Commissioner of Agriculture (1 public, 1 processor-distributor representing a cooperative plant and 1 producer who markets to a proprietary plant).

**Term:** 4 years, except appointments by the General Assembly upon recommendation of the Speaker of the House, two years.

**Officers:** Chairman is elected by the Commission.

### MOREHEAD CITY NAVIGATION AND PILOTAGE COMMISSION (G.S. 76-1)

**Purpose:** Make and establish rules and regulations for the qualification, arrangements, and stations of pilots.

To govern the number of pilots necessary to maintain an effective pilotage service for the Morehead City Harbor and Beaufort Bar.

Examination and licensing of pilots for the Morehead Harbor and Beaufort Bar.

Appoint and regulate pilots' apprentices.

Set charges for pilotage rates.

Cancel and suspend licenses.

To have jurisdiction over any matter of dispute between pilots or matters related to navigation in regulated areas.

Retire pilots from active service.

**Composition:** 3 residents of Carteret County appointed by Governor (none shall be licensed pilots or immediate family) and representative maritime interests serving as ex officio, non-voting member.

**Term:** 3 years.

**Officers:** Chairman designated from voting membership by Governor.

### N.C. NATIONAL PARK, PARKWAY AND FOREST DEVELOPMENT COUNCIL (G.S. 143B-447)

**Purpose:** To promote the development of that part of the Smoky Mountains National Park lying in NC; the completion and development of the Blue Ridge Parkway and the development of Nantahala and Pisgah national forests.

To study the development of these areas and to recommend a policy that will promote the entire mountain section of NC with emphasis upon scenic and recreational resources and the encouragement of the location of federal government and governments of adjoining states about federal areas and projects in this section.

Advise and confer with interested individuals and organizations.

Study the need for additional entrances to the Great Smoky Mountains National Park and file them with the National Park Service of the federal government and the NC Departments of Transportation and Commerce.

**Composition:** 7 members appointed by Governor. (1 resident from each of the following counties: Buncombe, Haywood, Jackson and Swain. 3 residents of counties adjacent to the Blue Ridge Parkway, the Great Smoky Mountain National Park or the Pisgah or Nantahala National Forests).

**Term:** 4 years.

**Officers:** Chairman elected by Commission.

### PORTS AUTHORITY (G.S. 143B-452)

**Purpose:** Promote, develop, construct, equip, maintain, and operate the harbors and seaports within the State of within the jurisdiction of the state.

To aid the shipment of freight and commerce through the ports.

To increase the movement of waterborne commerce, foreign and domestic, to and through and from the harbors and ports.

## STATEMENTS OF ORGANIZATION

**Composition:** 11 members - 7 appointed by Governor; 2 by the Lt. Governor; and 2 by the Speaker of the House. (No member shall live in a House or Senate District containing a port. Speaker and Lt. Governor's appointees each serve 2 years.)

**Term:** 6 years.

**Officers:** Chairman and Vice Chairman appointed by Governor.

### PORTS RAILWAY COMMISSION (G.S. 143B-469)

**Purpose:** To operate and control all railway equipment and railway operations transferred to it by the State Ports Authority.

To make agreements as to scale of wages, seniority and working conditions with railroad employees.

To apply for and accept loans.

**Composition:** 5 members appointed by the Governor.

**Term:** 4 years.

**Officers:** Chairman designated by the Governor to serve at his pleasure, Vice Chairman elected by and from membership, general manager selected by the commission with the approval of the Governor.

### RURAL ELECTRIFICATION AUTHORITY (G.S. 117-1)

**Purpose:** To secure electrical and telephone service for the rural districts of the State where service is not now being rendered.

To review, approve, disapprove or cause to have modified all loan applications from the 28 rural electric and the nine rural telephone cooperatives prior to their submission to the federal Rural Electrification Administration. To respond to all complaints of consumers receiving service from these electric and telephone systems.

**Composition:** 5 members appointed by Governor.

**Term:** 4 years.

**Officers:** Chairman and Secretary are elected by the Board.

### SAVINGS AND LOAN COMMISSION (G.S. 54-24-1)

**Purpose:** To review, approve, disapprove or modify any action taken by the Administrator of Savings and Loan Division.

Advise and assist the Administrator.

Review recommendations of the Administrator regarding each application for permission to establish a new savings and loan association in the State and by majority vote approve or disapprove the recommendations of the Administrator.

**Composition:** 7 members appointed by Governor. (2 members currently serving as managing officers of state associations. At least 4 members representatives of the borrowing public and not employees or directors of any financial institution).

**Term:** 4 years.

**Officers:** Chairman and Vice Chairman are elected by the Commission.

### SEAFOOD INDUSTRIAL PARK AUTHORITY (G.S. 113-315.25)

**Purpose:** To develop and improve Wanchese Seafood Industrial Park and other such places, including inland ports and facilities for a more expeditious and efficient handling of seafood commerce.

To acquire, construct, equip, maintain, develop, and improve the port facilities.

Stimulate the shipment of seafood commerce through these ports, including the investigation and handling matters of transportation rates and rate structures.

To generally aid in the development and improvement of seafood industrial parks of the State of NC and to increase the movement of waterborne seafood commerce, foreign and domestic, to, through and from seafood industrial parks.

**Composition:** 11 members - 9 appointed by Governor; 1 by President of the Senate; and 1 by the Speaker of the House (1 Senator, 1 Representative, 1 resident of village or town where park is located, 2 members from area where park is located, 5 at-large who represent other sections of State, no less than 5 members from coastal counties).

**Term:** 4 years.

**Officers:** Chairman and Vice chairman are appointed by Governor.

### TECHNOLOGICAL DEVELOPMENT AUTHORITY (G.S. 143B-471)



## STATEMENTS OF ORGANIZATION

**Purpose:** to increase the rate at which new jobs are created in all regions of the state by stimulating the development of existing and new small businesses.

Apply for and accept grants of money from the United States, the State of North Carolina, or any political subdivision thereof, or from any person, corporation, foundation or trust.

Establish 'incubator' facilities to house and support small business concerns which are beginning, and to make one-time matching grants (not to exceed \$200,000) to nonprofit corporations affiliated with local colleges, universities and technical institutes to aid in the creation of such facilities.

To provide equity financing for the research activities of new and existing small businesses leading to the development of new or improved products or services.

To make agreements with recipient businesses to ensure proper use of Authority awards and receipt of royalties, where appropriate.

**Composition:** 12 members, 8 appointed by the Governor, 2 by the Lt. Governor, and 2 by the Speaker of the House. Consideration given to qualifications in technical fields as well as experience in entrepreneurial business and capital formation.

**Term:** 4 years, except 2 years for Speaker's appointments. No members may serve more than two complete, consecutive four year terms.

**Officers:** Chairman designated by Governor to serve at his pleasure. Vice chairman elected from and by membership.

### UTILITIES COMMISSION (G.S. 62-10)

**Purpose:** Exercise the power and authority to supervise and control the public utilities of the State.

Supervise the rates charged and service rendered by all public utilities in the state.

Employ qualified personnel to serve as members of its staff.

**Composition:** 7 members appointed by governor with General Assembly confirmation.

**Term:** 5 years.

**Officers:** Chairman appointed by Governor every four years.

### UTILITIES COMMISSION (PUBLIC STAFF) (G.S. 62-15)

**Purpose:** Review, investigate, intervene, and make recommendations to the Commission relating to matters affecting the using and consuming public.

**Composition:** 78 employees, Executive Director appointed by Governor with General Assembly confirmation. Executive Director hires employees, including professional, administrative, technical, and clerical personnel.

**Officers:** Executive Director serving 6 year term.

The following information is the process a citizen of North Carolina could seek information from the various divisions and agencies in the Department of Commerce:

Utilities Commission, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Bob Wells\*, 733-4249; Utilities Commission-Public Staff, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Robert Gruber, 733-2435; Industrial Commission, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Phil Wilson, 733-4820; Banking Commission, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Doris Perry, 733-3016; Savings and Loan Commission, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Ron Raxter, 733-3525; Credit Union Commission, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Roy High\*\*, 733-7501; Milk Commission, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Grady Cooper, 733-3733; Rural Electrification Authority, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Arch Hathcock, 733-7513; Mutual Burial Assoc. Commission, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Virginia Harris, 733-3403; Cemetery Commission, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Bill Gladden, 733-4915; Alcoholic Beverage Control Commission, 3322 Old Garner Rd., Raleigh, NC 27610, Contact Person, Ann Fulton, 779-0700; Energy Division, 430 N. Salisbury St., Raleigh, NC 27611, Contact Person, Chris Mogensen, 733-2230; Employment Security Commission, 700 Wade Ave., Raleigh, NC 27605, Contact Person, Tom Whitaker, 733-7546.

\*Through June 30, 1987

\*\*Through August 31, 1987

## NORTH CAROLINA DEPARTMENT OF CORRECTION

The North Carolina Department of Correction is authorized under Article III, Section 11 of the Constitution of North Carolina as a

principal department of State government. Pursuant to the Executive Organization Act of 1973, the Department is organized to include the Board of Correction, the Division of Adult Probation and Parole, the Division of Prisons, and the Parole Commission. In 1974, the General Assembly created the Inmate Grievance Commission as an autonomous agency within the Department.

The primary responsibility of the Department is to provide for the control and rehabilitation of criminal offenders committed to its custody.

The administrative head of the Department is the Secretary of Correction, who is appointed by and serves at the pleasure of the Governor.

The Board of Correction shall assist the Secretary in the development of priorities and major programs within the Department. Board members are appointed by and serve at the pleasure of the Governor.

The Division of Adult Probation and Parole is responsible for the supervision of probationers and parolees within the state. Additionally, it operates seven pre-release and aftercare centers which are designed to facilitate social adjustment of the former offender. The public may obtain information from the Division at 401 Glenwood Avenue, Raleigh, North Carolina, 27605, and by telephone at (919) 733-7333.

The Division of Prisons is responsible for the management and operation of 86 prison facilities for the state prison system. It is divided into four commands: Eastern Geographic, Western Geographic, Youth Services, and the Institutional Command. The public may obtain information from the Division of Prisons at 831 West Morgan Street, Raleigh, North Carolina, 27603, and by telephone at (919) 733-3226.

The North Carolina Parole Commission is comprised of five full-time members appointed by the Governor. It is an autonomous agency within the Department. The Parole Commission determines parole eligibility and assists the Governor's Office with commutation and pardons. It is also authorized to revoke or suspend paroles. The public may obtain information from the Parole Commission at 831 West Morgan Street, Raleigh, North Carolina, 27603, and by telephone at (919) 733-3414.

The Inmate Grievance Commission is comprised of five members appointed by the Governor. The purpose of this Commission is to

provide inmates with an administrative process for resolution of grievances or complaints. The public may obtain information from the Inmate Grievance Commission at 401 Glenwood Avenue, Raleigh, North Carolina, 27605, and by telephone at (919) 733-2551.

The public may obtain information about and make submissions or requests to the Department of Correction in person at 840 West Morgan Street, Raleigh, North Carolina, 27603, and by telephone at (919) 733-4926.

#### **NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES**

The Department of Cultural Resources was created in 1971. The first cabinet level agency of its kind in the United States. The new department brought together a number of existing councils, commissions, and agencies for the first time.

It is the task and function of the Department of Cultural Resources to assist in the preservation, protection and continuation of our heritage for future generations.

This is done through the operation of the Department's three major divisions: Archives and History, the State Library, and the Arts Council, and two semi-autonomous agencies, the Museum of Art and the North Carolina Symphony. In addition, the department oversees two very special offices, Operation Raleigh, and America's 400th Anniversary Committee.

#### **NORTH CAROLINA STATE BOARD OF ELECTIONS**

The State Board of Elections serves the electorate by appointing and training County and Municipal Election Officials prior to each primary and election as mandated by law, providing copies of all election laws, rules and regulations, and ballots and registration forms as prescribed by law.

The State Board must hear and act on complaints on failure or neglect of a Board of Elections as well as conduct investigations and hearings on complaints of fraud and irregularities in any elections or the Campaign Reporting Act, preparing presentations to Grand Juries.

The Campaign Reporting Office provides the public with campaign disclosures of campaign contributions and expenditures by candidates and committees and provides supervision of County Board of Elections.



## NORTH CAROLINA DEPARTMENT OF HUMAN RESOURCES

The North Carolina Department of Human Resources is an agency in the Executive Branch of State government. Its mission is to deliver or oversee the delivery of human services to the citizens of North Carolina and to participate in the development of human resources in the State.

To accomplish these objectives, the Department of Human Resources works to obtain needed legislation in the subject areas under its authority, adopts rules to govern the administration of its programs, and channels State and federal funds to many local grantees and provider agencies in the service delivery system. As the supervision of programs and the allocation of funds carry with them significant responsibilities, the Department of Human Resources performs monitoring and enforcement functions as well.

The Secretary of the Department of Human Resources, the administrative head of the agency, is appointed by the Governor and serves at the pleasure of the Governor.

The Department of Human Resources is divided into the following divisions: the Division of Aging; the Division of Facility Services; the Division of Health Services; the Division of Medical Assistance; the Division of Mental Health, Mental Retardation, and Substance Abuse Services; the Division of Services for the Blind; the Division of Social Services; the Division of Vocational Rehabilitation Services; the Division of Youth Services; and the North Carolina Schools for the Deaf and Blind.

Members of the public may obtain information from and make submissions or requests to the Department of Human Resources by communicating with the agency in writing or in person at 325 North Salisbury Street, Raleigh, North Carolina 27611 or by calling 1-800-662-7030. Inquiries concerning specific programs or subject areas within the purview of the Department of Human Resources may also be directed to the appropriate division.

## NORTH CAROLINA DEPARTMENT OF JUSTICE

The North Carolina Department of Justice was created and placed under the supervision and direction of the Attorney General. The Attorney General is an elected officer of the State and serves for a term of four years. The duties of the department are: to defend all actions in the ap-

pellate division in which the State shall be interested, or a party, and to appear for the State in any other court or tribunal in any cause or matter, civil or criminal, in which the State may be a party or interested; represent all State departments, agencies, institutions, commissions, bureaus or other organized activities of the State which receive support in whole or in part from the State; to consult with and advise the prosecutors, when requested by them, in all matters pertaining to the duties of their office; to give, when required, opinions upon all questions of law submitted by the General Assembly, or by either branch thereof, or by the Governor, Auditor, Treasurer, or any other State officer; to pay all monies received for debts due or penalties to the State immediately after the receipt thereof into the treasury; to compare the warrants drawn on the State treasury with the laws under which they purport to be drawn; and, to intervene, when in the public interest, in proceedings before any courts, regulatory officers, agencies and bodies, both State and federal, on behalf of the using and consuming public of this State.

The department is comprised of the following Divisions and Sections: Administrative Division - Collection Section (733-9236), Elections Section (733-7218), Human Resources Section (733-4618), Real Estate Section (733-9580), Revisor of Statutes Section (733-5960), Services to State Agencies Section (733-3305), Tort Claims Section (733-3805); Criminal Division - Correction Section (733-7387), Crime Control Section (733-7952), Federal Habeas Section (733-2011), Medicaid Investigations Section (733-5760), Special Prosecutions Section (733-2011), Appellate Section (733-6012); Civil Division - Property Control Section (733-7408), Education Section (733-7387), Highway Section (733-3316), Labor Section (733-4721), Motor Vehicles Section (733-3254), Revenue Section (733-3252); and Trade and Commerce Division - Consumer/Antitrust Section (733-7741), Energy and Utilities Section (733-7214), Environmental (733-5725), and Insurance Section (733-6118).

Members of the public may obtain information or make requests to the Department of Justice by writing to the North Carolina Department of Justice, P.O. Box 629, Raleigh, North Carolina 27602, or in person at the Justice Building, 2 East Morgan Street, Raleigh, North Carolina, or by calling (919) 733-3377. Inquiries concerning specific subject areas may be directed to the appropriate division as listed above.

## NORTH CAROLINA DEPARTMENT OF LABOR



## STATEMENTS OF ORGANIZATION

The Department of Labor is an independent executive agency created under Chapter 95 of the North Carolina General Statutes. The department is responsible for promoting the safety, health and general well-being of the industrial population of the state. The department administers and enforces health and safety regulations, wage and hour laws, apprenticeship regulations, mine and quarry regulations, elevator, amusement device and aerial passenger tramway regulations, boiler and pressure vessel regulations, regulations for private employment agencies and the hazardous chemical right-to-know law. In addition, the department offers arbitration and mediation services for labor management disputes.

The Commissioner of Labor, who is a member of the Council of State and elected by the people of the state for a term of four years, is the executive and administrative head of the department. The Commissioner is assisted by an assistant commissioner and a special assistant for productivity.

The department is organized into three major groups, each under the supervision of a deputy commissioner. These groups are Administration and Regulation, Education and Training, and Health and Safety.

The Administration and Regulation Group is supervised by the Chief Deputy Commissioner. This group is composed of the Arbitration, Conciliation and Mediation Division, the Private Personnel Service Division, the Research and Statistics Division, the Wage and Hour Division, the Budget Division, and the Personnel Division. The Arbitration, Conciliation and Mediation division works to promote permanent labor-management peace and to protect the interest and rights of labor, management, and the people of the state by the prevention and prompt settlement of labor disputes. The division offers (1) voluntary arbitration services of labor disputes through its voluntary arbitration panel, (2) conciliation and mediation services in labor disputes, (3) educational services in labor relations, and (4) technical services in labor relations. The Private Personnel Services Division regulates and licenses private personnel services and job listing services by enforcing the provisions of the Regulation of Private Personnel Services Act and the Regulation of Job Listing Services Act. The Research and Statistics Division compiles and publishes comprehensive data on occupational injuries and illnesses in the state. The division also assembles and publishes monthly data on building activity in North Carolina by county and by cities. The

Wage and Hour Division enforces the minimum wage, overtime, wage payment, and youth employment laws of the state. The division investigates worker complaints and collects back wages due employees. The Budget Division is charged with the preparation of the budget of the department and with the allocation of funds to the divisions of the department. The Personnel Division is responsible for all personnel activities in the department including recruiting, hiring and orienting.

The Education and Training Group is organized into two divisions: Apprenticeship and Training, and Pre-Apprenticeship. The Apprenticeship and Training Division promotes and monitors a broad range of apprenticeship programs designed to train journeyman-level craftworkers to meet the demands of industries for high-skilled workers. Apprenticeship programs are established with private employers or under the sponsorship of labor-management committees. Apprenticeships combine on-the-job experience with related technical training furnished by the individual employer or at a technical institute or community college. The division establishes standards, approves apprenticeship programs which meet established criteria, is a records depository and issues completion certificates to citizens who complete apprenticeship training. The Pre-Apprenticeship Division promotes opportunities for skills training through on-the-job training programs, pre-apprenticeship programs, and skills up-grading programs. Division representatives meet employers to help design skill training programs designed to meet the employers' needs.

The Health and Safety Group is organized into five divisions: the Boiler and Pressure Vessel Division, the Elevator and Amusement Device Division, the Mine and Quarry Division, the Occupational Safety and Health Division and the Right to Know Division. The Boiler and Pressure Vessel Division regulates the construction, installation, repair, alteration, inspection, use and operation of vessels subject to the Uniform and Pressure Vessel Act of North Carolina. The division conducts periodic inspections, monitors inspection reports by certified insurance company inspectors, and issues operating certificates to owners and operators whose equipment is found to be in compliance with the act. The Elevator and Amusement Device Division is responsible for the proper installation and safe operation of all elevators, escalators, workers' hoists, dumbwaiters, moving walks, aerial passenger tramways, amusement rides, inclined railways and lifting devices for persons with disabilities which operate in public establish-

ments and private places of employment. The Mine and Quarry Division enforces the Mine Safety and Health Act of North Carolina. The division conducts a program of inspections, education and training, technical assistance, and consultation to implement the Act. The division also assists mine and quarry operators to comply with the provisions of the 1977 federal Mine Safety and Health Act. The Occupational Safety and Health (OSH) Division administers and enforces the Occupational Safety and Health Act of North Carolina which is a broadly inclusive law that applies to most private sector employment in the state, and to all agencies of state and local government. In addition to enforcing the state OSHA standards, the program offers free consultative services, education and training opportunities, and engineering assistance to employers under its jurisdiction. The OSH Division also administers the Safety Awards Program which recognizes private firms and public agencies which achieve and maintain good safety records. The Right to Know Division administers the North Carolina Hazardous Chemicals Right to Know Act of 1985 which requires all users of hazardous chemicals in amounts of at least 55 gallons or 500 pounds to provide lists of these materials to local fire chiefs.

Support services for the department are handled through a Communications Division, a Publications Division and a library. The Communications Division informs the public of the laws, programs, services and work of the department by writing and disseminating news and feature releases of the department's activities to the press and by providing a liaison with the media. The Publications Division provides publishing and printing support to the programs of the department. The Charles H. Livengood, Jr. Memorial Labor Law Library, which is staffed by a full time librarian and open to the public, serves as a resource center for the department.

Six advisory groups assist the Commissioner with policy development and program planning. These are the Apprenticeship Council, the Board of Boiler and Pressure Vessel Rules, the Industry Advisory Board, the Mine Safety and Health Advisory Council, and the Occupational Safety and Health Advisory Council, and the Private Personnel Services Advisory Council. A separate unit independent from the Department of Labor is the Occupational Safety and Health Review Board, which hears appeals of citations and penalties imposed by the OSH Division and whose members are appointed by the Governor.

The public may obtain information from and make submissions or requests to the De-

partment of Labor in person or by mail at 4 West Edenton Street, Raleigh, North Carolina 27601 or by telephone as follows:

Administration  
(919) 733-7166  
Apprenticeship and Training  
Division  
(919) 733-7533  
Arbitration, Conciliation and  
Mediation Division  
(919) 733-7495  
Boiler and Pressure Vessel  
Division  
(919) 733-3034  
Communications Division  
(919) 733-4904  
Elevator and Amusement Device  
Division  
(919) 733-7394  
Library  
(919) 733-2486  
Mine and Quarry Division  
(919) 733-7428  
Occupational Safety and  
Health Division  
(919) 733-4880  
Personnel Division  
(919) 733-6943  
Pre-Apprenticeship Division  
(919) 733-6550  
Private Personnel Service  
Division  
(919) 733-4895  
Publications Division  
(919) 733-6590  
Research and Statistics  
Division  
(919) 733-4940  
Right to Know Division  
(919) 733-2486  
Safety Awards Program  
(919) 733-5683  
Wage and Hour Division  
(919) 733-2152

#### NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

The North Carolina Department of Crime Control and Public Safety was established by the 1977 General Assembly to serve as an umbrella department for essential state government services related to the well-being of its citizens. As its name implies, the department serves as the state's chief coordinating agency for controlling crime and protecting the public.

When you attend a Community Watch meeting or observe a trooper catch a speeder, re-



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member the Department of Crime Control and Public Safety is working hard to reduce and control crime.

By the same token, when you hear of hurricanes, plane crashes or nuclear accidents, know also that Crime Control and Public Safety will be on the scene to make sure disaster victims receive aid and help.

Wherever or whatever the need, the Department of Crime Control and Public Safety is working with you to make North Carolina a safer and better place to live.

The Department of Crime Control and Public Safety has nine divisions and the Office of the Secretary. The Secretary's staff is located in the Archdale Building in Raleigh. They include three assistant secretaries and personnel from the fiscal, personnel, information services, purchasing and staff development sections.

The Assistant Secretary for Administration is responsible for the operation of the Office of the Secretary and has full authority in the absence of the Secretary. The Assistant Secretary for Public Safety oversees the operations of the divisions of the National Guard, Civil Air Patrol, Butner Public Safety and Emergency Management. The Assistant Secretary for Crime Control oversees the operations of the State Highway Patrol, Alcohol Law Enforcement, Victim and Justice Services, Crime Prevention and Governor's Crime Commission.

### Alcohol Law Enforcement

The Division of Alcohol Law Enforcement (ALE) enforces the state's laws governing the sale, purchase, transportation, manufacture and possession of intoxicating liquors and controlled substances. Anyone who sells beer, wine or alcohol in North Carolina must have a license. Before that license can be issued, an ALE agent must investigate the applicant and the place where the products will be sold. Once the license is granted, ALE agents check back periodically to ensure that no liquor or drug laws are being violated, such as selling alcohol to a minor. With the passage of the Safe Roads Act of 1983 and the drinking age change law of 1986, ALE is making a special effort to reduce the sale of alcohol to anyone under the age of 21. ALE agents routinely conduct undercover operations, utilizing under-age persons, to check licensed outlets to see if they are selling to minors. Enforcement is one part of an ALE agent's job. Public education and awareness are also important. ALE conducts Driving While Impaired

(D.W.I.) Source Prevention seminars at which employees of outlets are instructed about irresponsible service of alcohol. ALE agents also speak to community, church, civic, professional and school groups about alcohol laws and regulations.

### Butner Public Safety

The personnel of the Butner Public Safety Division are trained to perform a variety of functions, because the people and facilities they protect and serve are just as varied. Butner Public Safety officers provide police and fire protection to the patients and staffs of the state hospitals at Butner, other state facilities there and the community of Butner. Their jurisdiction, some 35-square miles is also varied in terms of terrain, type of facilities and population. Officers patrol the streets of Butner and the grounds of the more than 11 state facilities there. They provide protection for the 4,600-acre National Guard training range, and officers are also responsible for fire prevention and suppression. When a fire occurs at any facility, including Butner federal correctional facility, Butner Public Safety officers are on the scene. These officers are unique, because their duties are unique. One hour, they may be called on to fight a raging fire, and the next hour, these same officers may be called on to capture a bank robber. Butner Public Safety officers are trained to do each job with skill and courage.

### Civil Air Patrol

The Civil Air Patrol (CAP) is a volunteer organization and an official auxiliary of the United States Air Force. CAP has three missions of service to the public. Its primary responsibilities are to perform search and rescue missions for missing or downed aircraft and to provide disaster relief assistance during emergencies. CAP personnel play a vital role in the state's emergency plan. Personnel fly aircraft for transportation, aerial photography and courier service. The Civil Air Patrol's communications system provides backup communications during disasters. CAP also promotes aerospace education. Interest in aerospace education is encouraged by membership in the CAP cadet program. The cadet program is a strong part of CAP's service to North Carolinians. It gives young people, ages 13 through 18, opportunities for leadership and education through aviation. Cadets regularly participate in drills and exercises to test the readiness of each squadron to respond to a call for assistance. There are 42 squadrons in the North Carolina CAP wing. Many CAP members operate their own airplanes and fly at



their own expense; however, membership dues, donations, grants, estates, state funds and Air Force reimbursements account for a large portion of their budget.

### Crime Prevention

The Crime Prevention Division works to prevent crimes against property, crimes of violence and juvenile crimes in North Carolina. The division provides crime prevention education to the citizens of North Carolina through various organizations, including law enforcement, schools, community groups and news media. The goal is to get citizens involved in the fight against crime by establishing community, county and statewide crime prevention programs. Staff members in the Crime Prevention Division keep track of changing crime trends and stay abreast of the latest state and national crime prevention programs. In addition to providing technical assistance to organizations, crime prevention specialists also help citizens to overcome the fear of crime. Several crime prevention programs are promoted or coordinated by the division. These include Community Watch, HAM Watch, Athletes Against Crime, Crime Prevention for Older Adults, Crime Prevention in Public Housing, Child Safety Identification and Crime Stoppers. A variety of crime prevention and awareness materials are available, free of charge, from the division.

### Emergency Management

The Division of Emergency Management is responsible for protecting North Carolinians from the effects of disasters, natural and man-made. The division offers assistance to local and county officials, through the state office and six area offices strategically located across North Carolina. Division personnel work with local governments to develop emergency action plans for such hazards as chemical spills, fires, floods, tornadoes, hurricanes and nuclear incidents. These plans are routinely tested by communities during drills and table-top exercises with the assistance of the division's training staff. When an emergency arises or a disaster threatens, the state's response is directed by the State Emergency Response Team (SERT). Representatives from each agency involved in the emergency response serve on the team. This team works out of the Emergency Operations Center (EOC) in Raleigh. In the past, the SERT has coordinated the response and recovery efforts for many emergencies including the tornadoes of 1984, Hurricanes Diana and Gloria, forest fires which blackened North Carolina in 1985 and 1986 and the drought of 1986.

### Governor's Crime Commission

The Governor's Crime Commission is the chief advisory board to the Governor and the Secretary of Crime Control and Public Safety on crime and justice issues. The Crime Commission is made up of 40 members, including the heads of statewide criminal justice and human services agencies as well as representatives from the courts, law enforcement, local government and legislature. Juvenile justice officials and concerned citizens also serve on the Crime Commission. The Commission plans more effective approaches to the problem of crime, coordinates the work of various elements of the criminal justice system and, through the staff, administers several statewide criminal justice programs. Members of the staff for the Crime Commission research criminal justice practices, conduct public hearings on subjects of interest to the Commission and support the Commission. As a coordinating and planning body, the Crime Commission studies issues and makes reports to the Governor on a wide range of criminal justice subjects, including its biennial legislative agenda which recommends statutory changes in criminal laws and recommends criminal justice programs. The Crime Commission has been a force behind the passage of such laws and programs as North Carolina's tough Driving While Impaired (D.W.I.) law, Community Service Work Program, Community Watch Programs and Rape Victim Assistance. Community-based alternatives to prison, in-school suspension, juvenile court counselors and computerized criminal justice information systems were also recommended by the Crime Commission.

### National Guard

The North Carolina National Guard, with its more than 13,000 members, has a dual role. It is a state militia subject to the call of the Governor, and it is a federal reserve force subject to the call of the President. Led by the Adjutant General, the Guard raises and trains ground and air troops for mobilization when state or national emergencies require military support. The North Carolina Army National Guard is located in more than 100 communities across the state with more than 12,000 personnel. The North Carolina Air National Guard, with units in Baden and Charlotte, has more than 1,300 personnel. As part of its peacetime mission, the National Guard assists the public in times of emergency or civil disorder. Guard aviation units support local governments in searching for missing persons, assist law enforcement with aerial searches for marijuana and carry drinking water to drought-

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stricken communities or those whose supplies have been contaminated. To maintain its readiness for wartime missions, Guard troops are trained and equipped like their counterparts on active military duty. The state is responsible for raising and training the troops to Federal standards.

### Highway Patrol

Since 1929, the North Carolina State Highway Patrol has provided for the safety of the motoring public by enforcing motor vehicle laws on the state's highways. The largest state law enforcement agency, the Patrol has more than 1,100 uniformed members. The patrol is divided into eight troops headquartered in Greenville, Fayetteville, Raleigh, Salisbury, Monroe, Newton, Greensboro and Asheville. Each headquarters has its own motor pool, and its sophisticated radio network links each patrolman to his headquarters. The Highway Patrol maintains a comprehensive training center near Raleigh for the training of new officers and continuing in-service schools. Troopers study constitutional and motor vehicle laws and learn pursuit driving and firearms techniques. State Troopers provide many additional services to North Carolina such as assisting stranded motorists, directing traffic at sporting events and the State Fair and providing security to the governor and his family. The Patrol plays a vital role in the state's emergency response plans. Anytime a local government has a law enforcement or emergency problem, they may call on the State Highway Patrol for help. Troopers have been called on to help evacuate victims of natural disasters or to transport blood, donor organs or seriously ill people.

### Victim and Justice Services

The Division of Victim and Justice Services administers statewide victim and community service programs. The community service programs include Driving While Impaired (D.W.I.) Community Service, First Offender Programs (Misdemeanor and Felony Diversion), Court-Ordered Community Service and Early Release Parole Community Service. The Division has field offices in each of the 34 judicial districts in North Carolina to administer these programs. The field staff is responsible for placing defendants in local, state and nonprofit agencies to perform free work as a condition of their suspended jail sentence. The division administers various programs for victims. The Rape Victim Assistance Program provides financial assistance up to \$500 for victims of rape and sexual assault. This program also underwrites a standardized rape evidence collection kit which is used by hospitals to collect

evidence. The Division also offers programs for law enforcement agencies on operational management improvements, stress management, 911 planning and implementation and coordination of mutual aid agreements. The Division operates the North Carolina Center for Missing Persons. Trained staff members at the Center locate missing persons, especially children. They also help families coordinate searches and exchange information with law enforcement agencies and the National Center for Missing and Exploited Children. Calls are received from a 24-hour toll free hotline (1-800-522-KIDS).

### NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

The North Carolina Department of Natural Resources and Community Development is a principal State department in the executive branch of North Carolina government authorized by Article III, Section II of the North Carolina Constitution.

The N.C. Department of Natural Resources and Community Development has three primary duties:

- (1) To provide for the management and protection of the States natural resources and environment;
- (2) To promote and assist in the orderly development of North Carolina counties and communities; and
- (3) To provide job training and promote employment for economically disadvantaged persons.

The head of the Department is the Secretary who is appointed by the Governor and serves at the pleasure of the Governor.

The Department is organized into twelve divisions as follows:

- (1) environmental management;
- (2) marine fisheries;
- (3) parks and recreation;
- (4) forest resources;
- (5) land resources
- (6) community assistance;

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- (7) economic opportunity;
- (8) employment and training;
- (9) soil and water;
- (10) N.C. Zoological Park;
- (11) water resources; and
- (12) coastal management.

The Wildlife Resources Commission and its staff are responsible to the Department for coordinating and reporting purposes.

The public may obtain information about and make submissions or requests to the Department of Natural Resources and Community Development in person at 512 N. Salisbury Street, Raleigh, North Carolina 27611, and by telephone at (919) 733-4984.

### NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

The North Carolina Wildlife Resources Commission is, as a matter of executive organization, a part of the Department of Natural Resources and Community Development, but operates independently of the Department except for the management functions of coordinating and reporting.

The Commission consists of thirteen (13) members: nine of which are appointed by the Governor from the wildlife districts, two by the Governor from the State at-large, and two by the General Assembly on recommendations of the President of the Senate and the Speaker of the House, respectively.

The administrative head of the agency is its Executive Director who is selected by and serves at the pleasure of the Commission. The staff of the Commission, other than personnel serving directly under the Executive Director, is organized into five divisions as follows:

- (1) Administrative Services;
- (2) Conservation Education;
- (3) Enforcement;
- (4) Boating and Inland Fisheries; and
- (5) Wildlife Management.

The public may obtain information and make submissions and requests to the Wildlife Resources Commission by communicating with the agency by mail or in person at 512 N. Salisbury Street, Raleigh, North Carolina 27611, or by telephone at (919) 733-3391.

### NORTH CAROLINA DEPARTMENT OF PUBLIC EDUCATION

The North Carolina Department of Public Education is a statutorily created agency (G.S. 143A-39) within the executive branch of the state government. The State Board of Education is the head of the Department of Public Education. The Superintendent of Public Instruction, a statewide elected official as provided for in Article III, Section 7 of the North Carolina Constitution, is the secretary and chief administrative officer of the State Board of Education. The Department of Public Education consists of two divisions, the Department of Public Instruction and the Controller's Office. The Department of Public Instruction is responsible for supervising and administering the public school system; local boards of education operate individual schools under their jurisdiction. The Controller's Office is responsible for supervising and administering the fiscal affairs of the Department of Public Education.

The public may obtain information about and make requests to the Department of Public Instruction in person or by mail at 114 W. Edenton Street, Raleigh, North Carolina 27603-1712, and by telephone as follows:

Department of Public Instruction  
(919) 733-3813  
Controller's Office  
(919) 733-7565

### NORTH CAROLINA DEPARTMENT OF THE SECRETARY OF STATE

The Department of the Secretary of State is a principal department of the State of North Carolina created by Article 2 of Chapter 143A of the General Statutes. The head of the Department is the Secretary of State, and elective officer provided for in Article III, Section 7 of the Constitution of North Carolina.

The constitutional and statutory duties of the Department of the Secretary of State are carried out through six divisions:

- 1) General Administration
- (a) The Secretary of State is located in



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the State Capitol, Raleigh, North Carolina. Personnel in this section have custody of the original laws and journals of the current session of the General Assembly and register lobbyists.

- (b) The personnel, budget and management functions of the Department are carried out in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. Registration of Trademarks and filing of municipal annexation ordinances are also the responsibility of this section.

### 2) Publications

- (a) The Publications Division is located in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. It is responsible for publishing the North Carolina Manual and Directory of State and County Officials. It also distributes the Session Laws and Journals of the General Assembly.

- (b) The Land Grant Section maintains records of land grants from 1663 to 1957.

### 3) Corporations

The Corporations Division is located in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. The Division is responsible for reviewing and filing charter documents for North Carolina Corporations and issuing Certificates of Authority to foreign corporations to transact business in North Carolina.

### 4) Uniform Commercial Code

The Uniform Commercial Code Division is located in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. The Division receives and files financing statements and related statements which give notice of the existence of a security interest in personal property.

### 5) Securities

The Securities Division is located in Room 404 in the Legislative Office Building, 300 N. Salisbury Street, Raleigh. The Division registers securities for sale to the public and licenses securities dealers and salesmen. It also investigates and takes appropriate action on complaints of violations of the securities laws.

### 6) Notary Public Division

The Notary Public Division is located in Room 302 of the Legislative Office Building, 300 N. Salisbury Street, Raleigh. The Division issues commissions to applicants who qualify as notaries public, conducts the notary education program and investigates complaints of misconduct by notaries.

The mailing address for all divisions of the Department of the Secretary of State is 300 N. Salisbury Street, Raleigh, North Carolina 27611. The Telephone numbers are:

Secretary of State  
(919) 733-3433  
General Administration  
(919) 733-4161  
Corporations  
(919) 733-4201  
Uniform Commercial Code  
(919) 733-4205  
Securities  
(919) 733-3924  
Notary Public  
(919) 733-3405

## NORTH CAROLINA DEPARTMENT OF STATE TREASURER

The Department of State Treasurer is organized along functional lines as follows:

1. The Office of the State Treasurer.  
This unit consists of the State Treasurer and his immediate staff. It is headed by the State Treasurer and is responsible for the overall operation of the Department and carrying out the special duties of the State Treasurer. The budget is part of function code 1110, General Administration.
2. The Administrative Services Division.  
This division is responsible for Department-wide functions and for the adminis-

tration of the Escheat Fund. The Director of the Division is a Deputy Treasurer. The Division has four operating components as follows:

- a. General Administration Section - This section is headed by the Division Director and is responsible for the following Department-wide functions:

- (1) Accounting and budgets,
- (2) Personnel and payroll,
- (3) Purchasing,
- (4) Supply, messenger and mailroom services,
- (5) Technical assistance, and
- (6) Miscellaneous general administration, e.g. insurance.

Its budget is part of function code 1110, General Administration.

- b. Word Processing Section - This section is headed by a section chief and is responsible for the preparation of all typesetting and camera ready copy for the Department and for word processing services requested by other components of the Department. The budget is function code 1140, Word Processing.

- c. Data Processing Section - This section is headed by a section chief and is responsible for the operation and programming of the mainframe computer of the Department. In addition the Section is responsible, along with the Division Director for planning and approving acquisition and use of microcomputers. Its budget is function code 1150, Data Processing.

- d. Escheat Fund Administration Section - This section is headed by a section chief and is responsible for the administration of the Escheat Fund including processing of receipts from holders, making refunds to the rightful owners and auditing holders for legal compliance. The budget is function code 1130, Escheat Fund Administration.

- 3. The Investment and Banking Division.

This division is responsible for carrying out the banking operations and investment activities of the State which have been assigned by law to the State Treasurer. The Director of the Division is a Deputy Treasurer and the State Investment Officer. The Division has three operating components as follows:

- a. Investment Management Section - This section is headed by the Division Director and is responsible for the general supervision of the Division and for the management of all investment pools consisting of the funds belonging to the General and Highway Funds, the retirement systems, and other special trust funds. The budget is a part of function code 1210, Investment Management.

- b. Investment Accounting Section - This section is headed by a section chief and is responsible for maintaining accounting and other financial records relating to the investment pools through which all moneys for which the State Treasurer is custodian are invested and the records relating to bank accounts and budgetary code accounts. The budget is a part of function code 1210, Investment Management.

- c. Operations Section - This section is headed by a section chief and is responsible for clearing State warrants and for clearing investment principal and income transactions. For budgetary purposes, the personnel and other costs associated with clearing of investment transactions are a part of function code 1210, Investment Management; the personnel and other costs associated with the clearing of State warrants are in function code 1220, Banking Operations.

- 4. The Retirement Systems Division. This division is responsible for administering the State-operated pension funds and fringe benefit trust funds assigned by law to the Department of State Treasurer. The Director of the Division is a Deputy Treasurer and is the Director of each pension fund as established by law. The budgets for all components of the Division are contained in one function code 1410, Retirement Operations. The Division has five operating components as follows.

## STATEMENTS OF ORGANIZATION

- a. Office of the Director -  
This section is headed by the Director and is responsible for the overall supervision and operations of the Division.
  - b. Accounting/Data Control -  
This section is headed by a section chief and is responsible for accounting for all pension funds and other trust funds assigned to the Division. In addition, the Section maintains control of documents being sent to Data Processing for updating the computer files.
  - c. Benefits Processing -  
This section is headed by a section chief and is responsible for calculating all payments to members, including retired pay, refunds and death claims.
  - d. Member Services -  
This section is headed by a section chief and is responsible for helping individual members who call, write in, or come in with problems. This section counsels soon-to-be retired and retirees to make certain that these people obtain their proper rights. The section assists employing units on eligibility questions and questions from its employees.
  - e. Records -  
This section is headed by a section chief and is responsible for maintaining files on all members, active, inactive and retired. Primarily files are maintained in microfilm or microfiche forms.
5. The State and Local Governmental Finance Division. This division is responsible for providing staff to the Local Government Commission and to the North Carolina Educational Facilities Finance Agency. The Director of the Division is a Deputy Treasurer, the Secretary of the Local Government Commission and the Secretary-Treasurer of the North Carolina Educational Facilities Finance Agency. The budgets for the component units are contained in one function code 1310, Local Government Operations. The Division has two operating components as follows:
- a. Debt Management Section -  
This section is headed by the Division Director and is responsible for reviewing requests for issuing debt and making proposals thereon to the approving agency. In addition, this Section is re-

sponsible for the sale of State and local governmental debt that is authorized but unissued.

- b. Fiscal Management Section -  
This section is headed by a section chief and is responsible for assisting local governments keep a strong fiscal position. Among the ways this is accomplished are the review of all audits of local governments received by the Division, the preparation of memoranda for local governments on solutions to old and new problems, and the provision of technical assistance in person and by phone.

6. The Advisory Council on Vocational Education Division. This division provides staff to the Advisory Council on matters dealing with vocational education. The costs of the Council and staff are reimbursed from federal grants which are renewed every year. The Director of the Division is the Executive Director of the Council. The budget is function code 1510, Advisory Council on Education.

Department of State Treasurer  
325 N. Salisbury Street  
Raleigh, North Carolina 27611  
(919) 733-4440

### NORTH CAROLINA STATE BOARD OF ARCHITECTURE

The North Carolina Board of Architecture is charged with the licensing and regulation of the practice of architecture in the State of North Carolina. For submissions, requests or further information, please contact the Executive Director, Cynthia B. Skidmore, 501 N. Blount Street, Raleigh, North Carolina 27604, telephone (919) 733-9544.

### NORTH CAROLINA AUCTIONEER LICENSING BOARD

The Auctioneer Licensing Board is responsible for the administration and enforcement of the Auctioneers Law, G.S. 85B, which establishes specific standards of conduct for auctioneers and auction firms that serve to protect the public from incompetent or unqualified persons engaging in auction activities, and from deceitful practices, willful misrepresentations or fraudulent and dishonest dealings; affords a means of redress of grievances to any person suffering damage, and provides a means of monetary restitution for loss suffered.



The Auctioneers Law stipulates that there shall be a five-member Commission, appointed by the Governor. By law, three members are from nominations submitted to the Governor by the Auctioneers Association of North Carolina. At least three members must be experienced licensed auctioneers; one member is appointed to represent the public at large, and cannot be licensed as an auctioneer.

It is the responsibility of the board to license auctioneers, apprentice auctioneers, and auction firms and to see that the qualifications and activities of those engaged in auctioneering activities are in accord with law and in the best interests of the public. The board is not a board of arbitration and has no jurisdiction to settle disputes between parties concerning such matters of contract as the rate of commissions, the division of commissions, pay of assistants, and similar matters.

The Commission may upon its own motion or upon a complaint in writing of any person, provided the complaint and any evidence presented with it establishes a prima facie case, hold a hearing and investigate the actions of any licensee, and has the power to suspend or revoke any license issued. The Commission may in its own name seek injunctive relief to restrain any violation or anticipated violation of the Auctioneers Law; is entitled to the services of the Attorney General in enforcing the provisions of G.S. 85B, or may employ an attorney to assist and represent it in enforcement of specific matters.

The Commission holds monthly meetings; receives and acts upon license applications; adopts rules and regulations; investigates complaints; holds administrative hearings as needed; suspends or revokes licenses when warranted; sponsors and underwrites educational projects for the benefit of licensees and provides recovery and guaranty protection through the Auctioneer Recovery Fund.

The board's office is staffed by an executive director, administrative assistant, and two secretaries. All employees serve at the pleasure of the Commission. Operational activities are supported totally by license fees collected from those in the auction profession and deposited with the State Treasurer; no funds are appropriated for the use of this agency. The staff administers examinations, issues and renews licenses, publishes an annual directory and biannual newsletters, and is responsible for the daily functioning of the office.

Complaints are investigated with the assistance of a contractual investigative firm.

The administrative offices of the Auctioneer Licensing Board are located at:

3509 Haworth Dr., Suite 306  
Raleigh, N.C. 27609-7276  
Telephone: (919) 733-2182

Office hours are 8:30 a.m. until 5:00 p.m., Monday through Friday, except holidays.

### **NORTH CAROLINA STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS**

The North Carolina State Board of Certified Public Accountant Examiners is an independent agency. It is one of the thirty-eight occupational licensing boards and is authorized by Chapter 93 of the General Statutes.

The board has these primary responsibilities:

- (1) to grant certificates of qualification as certified public accountants to those persons who have met legal requirements including age, citizenship, education, experience and good moral character;
- (2) to register certified public accounting firms;
- (3) to annually renew certificates and firm registrations;
- (4) to administer semi-annually the Uniform Certified Public Accountant Examination;
- (5) to administer the continuing professional education compliance program;
- (6) to adopt rules of professional ethics and conduct to be observed by certified public accountants in this state; and
- (7) to administer any and all other provisions of G.S. 93.

The board is composed of five persons who are holders of valid and unrevoked certified public accountant certificates issued under the provisions of G.S. 93 and two persons who are not certified public accountants who shall represent the public at large. The senior staff officer is the Executive Director.

## STATEMENTS OF ORGANIZATION

The office has four divisions reporting to a Deputy Director: Administrative Services, Board Services, Examinations, and Licensing. The Administrative Services Division is concerned solely with the internal operation and management of the office. The Board Services Division serves as a personal assistant to the Executive Director, performing a variety of administrative duties related to Board matters and the enforcement area. The Examinations Division administers the semi-annual Uniform Certified Public Accountant Examination. The Licensing Division processes initial and renewal applications for CPA certificates and firm registrations. The Executive Director and support staff supervise rule-making and administrative hearing matters, and such other activities as the board may direct.

The public may obtain information about and make submissions or requests to the North Carolina State Board of Certified Public Accountant Examiners in person at 1101 Oberlin Road, Suite 104, Raleigh, North Carolina; by mail at Post Office Box 12827, Raleigh, NC, 27605; and by telephone at (919) 821-2443.

### NORTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS

The North Carolina Board of Chiropractic Examiners is an occupational licensing agency which regulates the practice of Chiropractic by (1) determining whether applicants have satisfied the statutory requirements to be admitted to practice, and (2) enforcing the statutory provisions governing the practice of Chiropractic.

Any interested party may obtain information and make submissions or requests by contacting the Board in writing at the following address:

N.C. Board of Chiropractic  
Examiners  
c/o Mrs. Carol Hall,  
Executive Secretary  
P.O. Box 312  
Concord, N.C. 28025

### NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

The North Carolina Licensing Board for General Contractors is located at 3509 Haworth Drive, Suite 302, Raleigh, North Carolina. Its mailing address is Post Office Box 17187, Raleigh, North Carolina 27619 and telephone number (919) 733-9325. H.M. McCown is Secretary-Treasurer of the Board. Requests for information or similar inquiries should be made to

the Board's office. The members of the Board are: Dean B. McClatchey, Chairman, D. Bruce Armstrong, Vice-Chairman, Marshall Dunn, J.S. Evans, Arthur C. Flood, Jimmy R. Flowers, and Richard A. Mitchell (deceased 6/17/87, successor yet to be appointed.)

### NORTH CAROLINA STATE BOARD OF COSMETIC ARTS

**Goal:** The goal of the State Board is to assure the consumer of clean and sanitary salons and that the services offered are not damaging to the consumer.

The purpose of this Board is to license all people employed as professionals in cosmetology, schools, colleges, and salons in North Carolina and to assure they have met all standards and requirements to have a license.

The Board consists of four members appointed by the Governor, one by the NC House Speaker, and one appointed by the Lt. Governor. The Board Members conduct the State Board Examinations and meet to set policy and standards for Cosmetic Art in North Carolina.

Board Members are: Chairman, Phil Shehdan; Vice-Chairman, Alma Tilghman; Secretary, Zada Noe; Members, Mary Battle and Patsy Beckwith. An appointment by the Lt. Governor is anticipated any day.

#### Objectives:

1. To increase accessibility of training in the area of cosmetology.
2. To increase the number of licensed cosmetologists, schools, colleges, and salons.
3. To reduce complaints filed against salons and cosmetologists.

Office Hours are 8-5 PM, and Telephone numbers are 733-3010, 733-0434, and 733-0435. The Executive Secretary is Vicky Rothrock Goudie.

NC State Board of Cosmetic Arts  
113 West Hargett Street  
P.O. Box 1108  
Raleigh, N.C. 27602-1108

### NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

## STATEMENTS OF ORGANIZATION

The North Carolina State Board of Dental Examiners office is located currently at 3325 Executive Drive, Suite 101, Raleigh, North Carolina 27609. The office is staffed by an Executive Secretary, an Administrative Assistant, an Investigator and an Investigative Assistant. Board members presently serving on the Board are: W. David Burns, D.D.S., President; David H. Becker, D.D.S., Secretary-Treasurer; Wilbert W. Blackman, D.D.S.; Stanley L. Fleming, D.D.S.; Frederick H. Howdy, D.D.S.; Bettie R. McKaig, D.D.S.; Judith L. Davis, R.D.H.; Sue M. Adams, Consumer Member; Christine H. Lockwood, Executive Secretary; Bailey, Dixon, Wooten, McDonald & Fountain, Legal Counsel.

The Board is planning to relocate its offices, effective August 1, 1987. Listed below is current and future mailing information:

### CURRENT

P.O. Box 17044  
Raleigh, NC 27619  
(919) 878-8621

### NEW ADDRESS

P.O. Box 32270  
Raleigh, NC 27622  
(919) 781-4901 (Proposed)

### **NORTH CAROLINA STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

The State Board of Examiners of Electrical Contractors was created by Article 4, Chapter 87, of the General Statutes. The Board consists of seven members as follows: one member from the North Carolina Department of Insurance designated by the Commissioner of Insurance; one member who is a representative of the North Carolina Association of Electrical Contractors designated by the governing body of that organization; and five members appointed by the Governor: one from the faculty of the Greater University of North Carolina who teaches or does research in the field of electrical engineering, one who is serving as a chief electrical inspector of a municipality or county in North Carolina, one who has satisfied the requirements for a license classified under G.S. 87-43.3 and who represents a sole proprietorship, partnership or corporation located in North Carolina which is actively engaged in the business of electrical contracting, and two who have no ties with the construction industry and who represent the interest of the public at large.

The Board meets several times a year to transact business and it administers the written qualifying examinations to applicants for a license twice a year in March and September.

Information may be obtained from and submissions and requests may be made at the Board's office located at 1200 Front Street, Suite 105, Raleigh, North Carolina 27609, Telephone (919) 733-9042.

### **NORTH CAROLINA BOARD OF LANDSCAPE ARCHITECTS**

The North Carolina Board of Landscape Architects is an occupational licensing board responsible for the profession of landscape architecture, to include administering examinations, issuing certificates of registration, issuing annual renewal of certificates of registration, and for insuring compliance with the landscape architects' law.

### **NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD**

The North Carolina Landscape Contractors' Registration Board is an occupational licensing board responsible for the profession of landscape contracting, to include administering examinations, issuing certificates of registration, issuing annual renewal of certificates of registration, and for insuring compliance with the landscape contractors' law.

### **NORTH CAROLINA MARITAL AND FAMILY THERAPY CERTIFICATION BOARD**

The North Carolina Marital and Family Therapy Certification Board was established in 1979 in accordance with Chapter 31, Article 18C of the North Carolina General Statutes. The Certification Act was established to provide a structure and procedures which insure that the public has a means of protecting itself from unprofessional, improper, and unauthorized use of certain titles by persons who practice marital and family therapy.

Information on the certification process or the status of an applicant may be obtained by calling 919-748-4657 Monday through Friday between the hours of 8:00 a.m. - 5:00 p.m., or by writing:

Shelia K. Beck, Executive  
Secretary  
N.C. Marital and Family Therapy



## STATEMENTS OF ORGANIZATION

Certification Board  
Section on Marital and Family  
Therapy  
Bowman Gray School of Medicine  
Winston-Salem, NC 27103

### BOARD OF MEDICAL EXAMINERS OF THE STATE OF NORTH CAROLINA

**HISTORY AND PURPOSE:** The North Carolina Board of Medical Examiners was established in 1859 by legislature of the state of North Carolina with the purpose of the proper regulation of the practice of medicine and surgery. It is for that purpose that the Board of Medical Examiners exists today.

**COMPOSITION:** The current Board of Medical Examiners is composed of eight members. Seven of the members are physicians appointed by the Governor after being nominated by the North Carolina Medical Society, and one public member who is also appointed by the Governor.

**MEETINGS:** Pursuant to Statute, the Board meets at least annually. Current regularly scheduled meetings are held in the months of January, March, May, June, August, October and December. Other meetings are scheduled during the year as needed to accomplish the Board's purpose. The Board has its greatest contact with the public in receiving complaints regarding physician behavior and competence and in the direct licensure of members of the public who satisfy the Board that they are competent for licensure to practice medicine in the State of North Carolina.

**PUBLIC COMPLAINTS:** The public may complain regarding practices of physicians or concerns regarding the practice of medicine in the state by submission of a written complaint stating the name of the physician concerned and the nature of the complaint. Such complaints can be submitted to the office of the North Carolina Board of Medical Examiners which is located at 222 North Person Street, Suite 214, Raleigh, North Carolina, 27601. The phone number at the office of the Board of Medical Examiners is 919/833-5321.

Applicants for licensure to practice medicine in the State of North Carolina may make an application upon submitting a request for an application to the North Carolina Board of Medical Examiners. Upon receipt of such licensure request the Board will send out appropriate application for the applicant. Any questions from the public not addressed herein may be addressed to

the North Carolina Board of Medical Examiners at the address shown above.

### MIDWIFERY JOINT COMMITTEE OF THE STATE OF NORTH CAROLINA

"Midwifery Joint Committee administers the provisions of Article 10A "Practice of Midwifery" by the approval of nurses to practice midwifery in North Carolina and by regulation of that practice.

All meetings of the Midwifery Joint Committee are open to the public. Persons wishing to bring matters to the attention or consideration of the Midwifery Joint Committee may write the Midwifery Joint Committee, P. O. Box 2129, Raleigh, NC 27602."

### NORTH CAROLINA STATE BOARD OF MORTUARY SCIENCE

The North Carolina State Board of Mortuary Science was created by Article 13A, Chapter 90, General Statutes. The Board consists of seven members. Six are elected by the Funeral Directors and Funeral Licensees and one is appointed by the Governor. The Board office administers the licensing of Funeral Homes, Funeral Directors, Funeral Service and Embalmers, and has charge of inspecting all funeral homes throughout the State of North Carolina. Several times a year the Board meets to transact business. It gives the written examination to applicants for a license twice a year, in the spring and fall.

Any information, submissions or request may be directed to the Board office by mail at 412 North Wilmington Street, Raleigh, N.C. 27601-1061 or by calling 919-733-9380.

### NORTH CAROLINA BOARD OF NURSING

"The North Carolina Board of Nursing licenses registered nurses and licensed practical nurses; regulates the practice of nursing; approves educational units leading to licensure; issues interpretations of the Nursing Practice Act, and maintains a joint subcommittee with the North Carolina Board of Medical Examiners for matters relating to the performance of medical acts by registered nurses.

All meetings of the Board, including Board committee meetings, are open to the public. Persons wishing to bring matters to the Board for its attention or consideration shall submit the request in writing no less than 30 days prior to the scheduled regular meeting. The Board office

## STATEMENTS OF ORGANIZATION

is located at 706 Hillsborough Street, Raleigh, NC 27603; mailing address is P. O. Box 2129, Raleigh, NC 27602."

### **NORTH CAROLINA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS**

The N.C. State Board of Examiners for Nursing Home Administrators has the following functions and duties:

1. Develop standards for licensure of nursing home administrators.
2. Development and administration of examinations for licensure candidates.
3. Issuance of licenses as nursing home administrators.
4. Establish and implement procedures to insure that licensees comply with licensure standards.
5. Investigation of complaints relating to nursing home administrators.
6. Continuing study for the purpose of improvements in the standards for licensing.
7. Conduct and review continuing education programs for nursing home administrators.
8. Develop and implement rules and regulations.
9. Receive and disburse funds for the operation of the Board.
10. Maintain a register of all applicants for licensure and of licensed nursing home administrators.
11. Develop an administrator-in-training program to insure that nursing home administrators have adequate training and experience prior to licensure.

Location: 701 Barbour Drive,  
Room 102; Raleigh, N.C. 27603  
Mailing Address: Same  
Telephone Number: 919 733-6225  
Contact: William A. Moon

### **NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY**

The North Carolina Board of Occupational Therapy licenses Occupational Therapists and Occupational Therapist Assistants to practice the profession of Occupational Therapy in the State of North Carolina. The Board is composed of six members appointed by the Governor for staggered terms from one to four years. The Board consists of three Occupational Therapists, one Occupational Therapist Assistant, a public member and an orthopedic surgeon. The Board receives applications for prospective licensees, reviews the applications and if appropriate, issues licenses. It also conducts hearings with regard to licensure and with regard to the furnishing of competent occupational therapy services to the citizens of North Carolina.

The Office of the Board is located at Suite 1921, Center Plaza Building, 411 Fayetteville Street Mall, Raleigh, North Carolina. The mailing address of the Board is P.O. Box 2280, Raleigh, North Carolina 27602, and its telephone number is (919) 832-1380. The office hours of the Board are from 9:00 a.m. to 5:00 p.m. Monday through Friday.

### **NORTH CAROLINA STATE BOARD OF OPTICIANS**

The North Carolina State Board of Opticians is located at 412 North Wilmington Street, Raleigh, N.C. 27601-1061. The Board consists of seven members.

Any information, submissions or request may be directed to the Board office by mail at 412 North Wilmington Street, Raleigh, N.C. 27601-1061 or by calling 919-733-9321.

### **NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY**

The North Carolina State Board of Examiners in Optometry was created by Chapter 444 of the Session Laws of 1909 and its current membership consists of seven members, five of whom are regularly graduated optometrists who have been engaged in the practice of optometry in this State for at least five years, and two members to represent the public at large. All appointments are made by the Governor. The Board meets annually and at such other times as are necessary to conduct the business of the Board, including the examination of applicants for licensure. Applicants to take the clinical practicum examinations conducted by the Board are required to submit evidence that they have satisfactorily completed each of the written portions of the examinations of the National Board of Examiners in Optometry and the

Treatment and Management of Ocular Disease Examination offered by the International Association of Boards of Examiners in Optometry. The Board maintains a computerized data base of continuing education credits for all licensees which serves not only to track continuing education credits required for annual renewal of licenses, but makes available to both the Board and the practitioner cumulative continuing education data as an aid in continuing competency assessment and educational planning. In addition to its licensing functions, it is the responsibility of the Board to regulate the practice of the profession of optometry. Disciplinary hearings before the Board are conducted in accordance with Article 6 of Chapter 90 and Chapter 150B of the General Statutes. Information may be obtained from and submissions and requests may be made at the Board office located at 321 E. Main St., PO Box 609, Wallace, NC 28466, telephone (919) 285-3160.

#### **NORTH CAROLINA BOARD OF PHARMACY**

The North Carolina Board of Pharmacy is located at 602H Jones Ferry Road, Chapel Hill, North Carolina. Its mailing address is Post Office Box II, Carrboro, North Carolina 27510 and telephone number (919) 942-4454. David R. Work is Executive Director of the Board. Request for information or similar inquiries should be made to the Board's office. The members of the Board are: William H. Randall, Jr., President, Evelyn P. Lloyd, Vice-President, William R. Adams, Jr., Harold Vann Day, William Whitaker Moose, and Joseph B. Roberts, III.

#### **NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS**

The North Carolina Board of Physical Therapy Examiners is an occupational licensing board which was created by the General Assembly in 1951. The Physical Therapy Practice Act is found in G.S. 90-270.24 -- 90-270.39.

The Board:

- (1) issues licenses to practitioners of physical therapy in order to protect the safety and welfare of recipients of physical therapy services in North Carolina. Both physical therapists and physical therapist assistants are licensed by the Board. Currently there are 1742 physical therapists holding active licenses with 1188 of these residing in North Carolina. There are 543 licensed physical therapist assistants and 452 of them live in the State.

- (2) is charged with the responsibility of investigating complaints regarding the unauthorized practice of physical therapy in North Carolina and acts of licensees that violate the Practice Act.

- (3) issues interpretation of questions arising from the Physical Therapy Practice Act.

The Board consists of eight members including one medical doctor, four physical therapists, two physical therapist assistants, and one public member, who represents the interest of the public at large and is a person who is not licensed under Chapter 90.

Licenses are granted both by endorsement of an active license in another state and by examination. Examinations will be held on November 2, 1987, February 2, 1988, and July 1, 1988.

The Board has adopted rules and regulations pursuant to the Administrative Procedure Act which are codified in 21 NCAC, Chapter 48.

Further information may be obtained by writing the Executive Secretary, 2426 Tryon Road, Durham, North Carolina 27705.

#### **NORTH CAROLINA STATE BOARD OF EXAMINERS OF PLUMBING AND HEATING CONTRACTORS**

The State Board of Examiners of Plumbing and Heating Contractors was created by the General Assembly in 1931 pursuant to General Statutes 87, Article 2. The Statute contains the qualification licensing requirements for plumbing, heating and air conditioning contractors as defined therein.

The Board's office is located at Suite 806-7 Raleigh Building, 5 West Hargett Street. The mailing address is P. O. Box 110, Raleigh, N. C. 27602.

The members of the Board, appointed by the Governor, pursuant to GS 87-16 are:

Leroy Adams, Lumberton, N. C.  
J. F. Seely, Raleigh, N. C.  
E. T. Chanlett, Chapel Hill, N. C.  
H. W. Thomas, Concord, N. C.  
Malachi Goforth, Hendersonville, N. C.  
B. C. Miller, Rural Hall, N. C.  
W. E. Garrett, Jr., Greensboro, N. C.



### **NORTH CAROLINA BOARD OF PODIATRY EXAMINERS**

The Board of Podiatry Examiners for the State of North Carolina is established by G.S. 90-202.4 of the North Carolina General Statutes. The Board consists of four members appointed by the Governor. Three of the members are licensed podiatrists and the other member is chosen by the Governor to represent the public at large.

The Board of Podiatry Examiners for the State of North Carolina is an occupational licensing Board responsible for the practice of podiatry, including examinations, licensure, discipline, continuing education, record keeping and other matters pertaining to the practice of podiatry in the State of North Carolina.

Information may be obtained from and submissions and requests may be made through the Board's Secretary, Mr. David Helberg, 4812 Gaines Drive, Greensboro, North Carolina 27410, or the Board President, Dr. John H. Hodges, 3111 Maplewood Avenue, Winston-Salem, North Carolina 27103. Mr. Helberg's phone number is 919 299-4812 and Dr. Hodges' phone number is 919 768-6777.

### **NORTH CAROLINA STATE BOARD OF EXAMINERS OF PRACTICING PSYCHOLOGISTS**

The North Carolina State Board of Examiners of Practicing Psychologists was established in 1967 by an Act of the North Carolina Legislature known as the Practicing Psychologist Licensing Act. The purpose of the board is to provide for the examination and licensure of persons who engage in the practice of psychology in the State of North Carolina. The mailing address is University Hall, Appalachian State University, Boone, North Carolina 28608. Telephone (704) 262-2258.

### **NORTH CAROLINA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

The North Carolina State Board of Registration for Professional Engineers and Land Surveyors is established under the provisions of Chapter 89C of the North Carolina General Statutes. The Board is composed of nine members, appointed by the Governor for a five year term. There are four (4) Professional Engineer members, three (3) Registered Land Surveyor members, and two (2) public members.

The Board is responsible for the administration and regulation of the professions of engineering and land surveying in North Carolina. The Board reviews applications, administers examinations, registers qualified applicants, and regulates the professional practice of the registrants throughout the State. Complaints are investigated, and those requiring further action are scheduled for a hearing before the Board.

Board meetings are held at the Board's offices in Raleigh, and are open to the public. Persons wishing to bring matters for the Board's consideration should submit written notification or request to be placed on the agenda at least 20 days prior to the scheduled regular meeting. The Board address is 3620 Six Forks Road, Suite 206, Raleigh, N.C. 27609; phone (919) 781-9499.

### **NORTH CAROLINA REAL ESTATE COMMISSION**

The North Carolina Real Estate Commission is a state governmental agency. Its address is Post Office Box 17100, Raleigh, NC 27619 and its telephone number is (919) 733-9580.

The Commission licenses and regulates real estate agents including brokers, salesmen and corporate brokers. It handles complaints from consumers against licensees. The Commission also registers time share projects and regulates their sales activities. The Commission has the power to take disciplinary action against its licensees and time share projects where it determines there is a violation of the License Law or the Time Share Act.

Departments and personnel in the Real Estate Commission include the Commission itself, consisting of seven volunteer members appointed by the Governor. The Executive Director is responsible for overall administration of the Commission's staff, and programs and operations in accordance with the policies and directives of the Commission. The administrative section is responsible for personnel and financial management, as well as general and technical support. The licensing section processes the various applications submitted and maintains records on all licensees. The education section develops standard and materials for pre-licensing study, approves real estate schools and instructors and develops and administers the real estate license examination program. The investigative section investigates complaints against real estate agents and time share sales and management personnel. The section also employs auditors who examine the trust accounts of real estate firms and time

## STATEMENTS OF ORGANIZATION

share projects. The legal section conducts inquiries and coordinates investigations of consumer complaints, prosecutes charges against licensees at hearings before the Commission, and provides legal counsel to the Commission.

### NORTH CAROLINA STATE BOARD OF REFRIGERATION EXAMINERS

The State Board of Refrigeration Examiners licenses persons and firms who install, maintain, service or repair commercial, industrial or institutional refrigeration equipment. This Board gives regular examinations in April and October of each year. The Board's office is located at 323 W. Morgan St., Raleigh, N.C. and the mailing address is P. O. Box 10553, Raleigh, N.C. 27605.

### NORTH CAROLINA CERTIFICATION BOARD FOR SOCIAL WORK

The North Carolina Certification Board for Social Work is an occupational regulatory board authorized by the Social Worker Certification Act, Chapter 90B of the North Carolina General Statutes.

The North Carolina Certification Board for Social Work administers and enforces the provisions of the Social Worker Certification Act. The primary responsibilities of the Board are:

- (1) To examine and pass on the qualifications of all applicants for certification; and
- (2) To establish or approve study or training courses.

The North Carolina Certification Board for Social Work is composed by law of seven members appointed by the Governor. Board members shall include four certified social workers and three members from the general public. At all times the Board shall include at least one member primarily engaged in social work education, at least one member primarily engaged in social work in the public sector, and at least one member primarily engaged in social work in the private sector.

The public may obtain information about certification or submit applications to the North Carolina Certification Board for Social Work, P. O. Box 15164, Asheville, N.C. 28813-0164, Telephone (704) 253-0006.

### STATE OF NORTH CAROLINA VETERINARY MEDICAL BOARD

The North Carolina Veterinary Medical Board is charged with the licensing and regulation of the practice of veterinary medicine in the State of North Carolina. For submissions, requests or further information, please contact the Executive Secretary, Thomas F. Zweigart, D.V.M., P. O. Box 12587, Raleigh, North Carolina 27605, telephone (919) 733-7689.

### NORTH CAROLINA DEPARTMENT OF COMMUNITY COLLEGES

The Department of Community Colleges fulfills its administrative responsibilities through the following organizational structure:

Office of the State President with Assistants for Board Affairs, State Governmental Affairs and Federal Governmental Affairs; an Executive Vice President with Directors of Legal Services, Personnel Services, Planning Services, and Public Affairs; and four Vice Presidents of Adult and Continuing Education, Finance, Programs, and Research and Information.

The public may obtain information or make submissions or requests to the Office of Legal Services, Room 150, Caswell Building, 200 West Jones Street, Raleigh, NC 27603-1337.

### NORTH CAROLINA HOUSING FINANCE AGENCY

The North Carolina Housing Finance Agency was created by the North Carolina General Assembly in 1973. The purpose of the Agency is to help provide affordable housing for the state's low and moderate income citizens. The Agency obtains funds to meet this goal primarily through the sale of tax-exempt bonds. Funds earned through Agency operations totally pay staff salaries and administrative expenses.

Organizationally, the Agency is located with the Governor's Office. A thirteen member board of directors, with expertise in various aspects of housing, sets policy for the organization and hires the Executive Director. Eight members of the Board are appointed by the General Assembly, four upon the recommendation of the Speaker of the House of Representatives and four upon the recommendation of the President of the Senate. The Governor also appoints four members to the Board of Directors and the members of the Board elect a thirteenth member.

The Agency operates several specific housing programs that generally fall within one of three program areas: single family homeowner-

## STATEMENTS OF ORGANIZATION

ship; multifamily rental housing; and housing rehabilitation.

### To Obtain Additional Information About the Agency or to Make Submissions or Requests

For information about the Agency and its programs, contact the North Carolina Housing Finance Agency, 3300 Drake Circle (Suite 200), Post Office Box 28066, Raleigh, North Carolina 27611. Telephone: 919-781-6115. For general information about the Agency, interested parties should contact the Director of Communications. For information, or to make submissions or requests related to specific programs, the director of the applicable program area (single family, multifamily or housing rehabilitation) should be contacted.

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### **NORTH CAROLINA OFFICE OF STATE PERSONNEL**

Our purpose as an agency of State Government is to serve the interests of State employees; to manage the programs established by the Governor, the Legislature and the State Personnel Commission; and to provide specific services to the general public.

The Office of State Personnel is the administrative arm of the State Personnel Commission. It monitors the policies and programs set by the State Personnel Commission, establishes procedures to complement personnel policies, and develops proposals for new or revised policies for Commission consideration. Under the direction and guidance of the State Personnel Director, a staff of approximately 130, including an assistant director and seven division managers, carry out the services and programs of the Office of State Personnel.

The Director's Office provides the leadership for the Office of State Personnel and its staff of personnel professionals. Another area of responsibility of the Director's Office is to monitor personnel problems within State government, Federal laws and policies affecting personnel administration, and ratified bills of the N. C. General Assembly. This division also manages the Credentials Verification Program which provides for checks on the education and professional credentials of employees.

The Safety and Health Division administers the Workplace Requirements for Safety and Health Program. The Program's goals are: (a) to assist in protecting employees from job-related injuries or health impairment; (b) help in pre-

venting accidents; and (c) to provide training in emergency medical procedures, forming emergency plans, and monitoring industrial hygiene, housekeeping and sanitation.

The Administrative Services Division is organized into three major sections: Policy Administration, Personnel Management Information Systems (PMIS), and the Office of State Personnel's Internal Administration. The Policy Administration Section develops and monitors policies pertaining to the administration of the pay plan, leave, holidays, and other conditions of employment, and coordinates policy recommendations with the Office of State Personnel's managers and the State Personnel Commission. The Personnel Management Information Systems (PMIS) maintains computerized personnel and position data system on all employees subject to the State Personnel Act. The Internal Administration Section provides on-going systematic operation of State Personnel including automating OSP's operations by the use of word processing, electronic filing and retrieval, and electronic mail and communications. This section also coordinates budgeting, purchasing, mail and supply functions with the Department of Administration.

The Employee Relations Division provides services in the research and development of programs and policies which apply modern management concepts and practices in the area of employee-employer relations, placing emphasis on the dignity and value of the individual. Programs and services of this division include: Governor's Awards for Excellence; Service Awards; Wage and Hour Law Administration; Pre-retirement Employee's Planning Program (PREPARE); Employee Assistance Program; Wellness Improvement for State Employees (WISE) Program; Employee/Management Communications; Work Planning and Performance Review (WPPR).

The Employee and Management Development Division provides general employee and management training programs, staff support, and resources for personnel development activities for all State agencies. Among its programs and services are: Public Manager Program; Professional Skills Program; Supervisory Skills Training Program; Educational Assistance Tuition Refund; Media Services Assistance.

The Equal Opportunity Services Division is responsible for providing leadership for the State's Equal Employment and Affirmative Action Program. Technical assistance for affirma-



## STATEMENTS OF ORGANIZATION

tive action planning and implementation is provided to State and local government agencies, and their affirmative action plans and programs are monitored on a regular basis. Specialized programs and services offered to meet the special and unique needs of protected groups, enhance their retention and promotability and to sensitize managers to EEO/AA related issues include: Model Cooperative Education Program; Affirmative Action Skills Bank; Affirmative Action Outreach Program; Positive Emphasis Program; Upward Mobility Program.

The Position Management Division has the primary responsibility of establishing and maintaining the State's Position Classification and Pay Plan for approximately 79,000 positions subject to the State Personnel Act. This division also has a significant responsibility to 140 local governmental jurisdictions in reviewing and approving pay plans for positions in those jurisdictions. Another duty of this division is the conducting of comprehensive salary and benefits surveys to assure that State Government salary levels are adequate to attract and retain competent employees. It also assists in developing and approving recommendations for substantially equivalent separate systems for local government jurisdictions.

The Workforce Resources Division administers policies guiding recruitment and selection for SPA positions and those subject to the Federal Standards for a Merit System of Personnel Administration. The division also provides assistance to agencies in particular areas of recruitment needs and carries out recruitment goals advantageous to State government as a whole. Some programs and services offered by this division are: Temporary Solutions; Careers in Government Counseling and Career Support Services; Work Options. Reduction in force and priority re-employment policies are administered in this division. Other functions include acting as liaison and coordinator on major policy matters relating to the State/Local Government relationship under the State Personnel Act, and in the interchange of personnel loaned from one governmental level to another due to an agency's need for special skills and knowledges not available within the organization.

### STATE OF NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS

The Office of Administrative Hearings (OAH) is an independent, quasi-judicial agency. It is one of the twenty-five administrative departments of state government authorized by

Article III, Section II of the North Carolina Constitution.

The purpose of this agency is to establish and carry out a uniform system of administrative rulemaking and adjudicatory procedures for state agencies thereby ensuring that the functions of rulemaking, investigation, advocacy and adjudication are not all performed by the same group, staff or agency in the administrative process.

The mission of this agency is carried out through seven sections within the Office:

- (1) The Adjudicative Staff - consists of the Chief Administrative Law Judge, who is also the Director of the agency, and Administrative Law Judges responsible for conducting hearings on various grievable issues covered by administrative law.

The Deputy Director is responsible to the Director for all functions of the agency except adjudications.

- (2) The Hearing Staff - administers the contested case hearing provisions, the processing of cases and the collection, coding and tabulation of data related to cases.

- (3) The Rules Publications Staff - performs administrative and technical work in the compilation, production and publication of the North Carolina Register and the North Carolina Administrative Code.

The Assistant Director is responsible for the operation of the Hearing Staff, the Rules Publication Staff, and all computer systems.

- (4) The Administrative Legal Staff - provides counsel or renders opinions to OAH staff and outside agencies on questions of law within the purview of OAH.

- (5) The Administrative Staff - performs ministerial activities involved in personnel, purchasing, payroll, budget and public relations.

- (6) The Mediation Staff - conducts investigations and seeks resolutions of discrimination cases deferred by the Equal Employment Opportunities Commission.

## STATEMENTS OF ORGANIZATION

### (7) The Administrative Rules Review

Staff - provides professional and administrative support to the Administrative Rules Review Commission, which is an independent body made up of eight members appointed by the General Assembly.

Rules Staff  
(919) 733-2678

Hearings Staff  
(919) 733-2698

The public may obtain information about and make submissions or requests to the Office of Administrative Hearings in person at 424 North Blount Street, Raleigh, North Carolina, by mail at Post Office Drawer 11666, Raleigh, N. C., 27604, and by telephone as follows:

Mediation Staff  
(919) 733-0431

Administrative Rules  
Review Staff  
(919) 733-2721

Administrative Staff  
(919) 733-2691

The following agencies did not submit a Statement of Organization: Council of State; Governor's Office; Insurance; Revenue; Transportation; Board of Barber Examiners; State Board of Registration for Foresters; Board of Hearing Aid Dealers and Fitters; Board of Osteopathic Examination and Registration; Board of Practicing Counselors; Board of Sanitarian Examiners and Board of Examiners for Speech, Language Pathologists and Audiologist.

## PROPOSED RULES

### TITLE 1 - DEPARTMENT OF ADMINISTRATION

*Notice is hereby given in accordance with G.S. 150B-12 that the Department of Administration intends to amend regulations cited as 1 NCAC 35 .0103; .0202; .0302; .0303.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 10:00 a.m. on September 14, 1987 at Office of State Personnel Conference Room 3106T, Administration Building, 3rd Floor, 116 West Jones Street, Raleigh, North Carolina 27603-8003.*

*Comment Procedures: Any interested person may present his or her views and comments either in writing prior to or at the hearing or orally at the hearing. Any person may request information, permission to be heard or copies of the proposed regulations by writing or calling Fran Tomlin, Department of Administration, 116 West Jones Street, Raleigh, N.C. 27603-8003. (919) 733-7232.*

#### CHAPTER 35 - STATE EMPLOYEES COMBINED CAMPAIGN

##### SECTION .0100 - PURPOSE AND ORGANIZATION

###### .0103 ORGANIZATION OF THE CAMPAIGN

The Campaign Organization is as follows:

- (2) Statewide Combined Campaign Advisory Committee. This ongoing committee serves as a central application point for all charitable organizations applying to participate in the S.E.C.C. and shall determine if the applicant agencies meet the approved criteria listed in Rule .0202 of the Chapter. The committee recommends overall policy for the campaign to the Governor, the Campaign Director and necessary state agencies. The committee is composed of ten members appointed by the Chair Director. Members of the committee will initially serve staggered terms of one, two, and three calendar years determined by the Director. A random drawing of 1986 committee member's names shall determine terms of membership. As each member's term expires, the replacement member will serve a three calendar year appointment.

*Statutory Authority G.S. 143-3.3; 143B-10.*

##### SECTION .0200 - ELIGIBLE ORGANIZATIONS

###### .0202 CRITERIA FOR ACCEPTANCE

- (5) If fundraising and administrative expenses

are in excess of 2 25 percent of total revenue, must demonstrate to the satisfaction of the SECC that those expenses for this purpose are reasonable under all the circumstances of the case.

*Statutory Authority G.S. 143-3.3; 143B-10.*

##### SECTION .0300 - APPLICATION PROCESS AND SCHEDULE

###### .0302 RESPONSE

All applicants will be notified of their acceptance or rejection within 30 days of the closing deadline. Rejections shall be appealed to the campaign director within 30 days of receipt of the notice of rejection. Response by the campaign director to the appeal will be made within a reasonable and timely manner. An applicant who is dissatisfied with the determination of the Committee may commence a contested case by filing a petition under 150B-23 within 30 days of receiving notice of the determination. An appeal will not be allowed to delay the start of the campaign.

*Statutory Authority G.S. 143-3.3; 143B-10; 150B-23.*

###### .0303 FORM AND CONTENT OF APPLICATION

- (7) A letter certifying compliance with the eligibility standards listed in Rule .0202 of this Chapter including tax exempt status, licensing, and showing the percentage of funds used for administrative and fundraising purposes and the percent expended for services to the public, expended in the categories of Program and Service, Management and General (Administrative) and Fundraising.

*Statutory Authority G.S. 143-3.3; 143B-10.*

### TITLE 4 - DEPARTMENT OF COMMERCE

*Notice is hereby given in accordance with G.S. 150B-12 that the Credit Union Division intends to amend regulation cited as 4 NCAC 6C .0403. Loan Limitations to place a limitation on fixed rate real estate loans with a remaining maturity of more than seven years.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 10:00 a.m. on September 14, 1987 at Room 4228, Dobbs Building, 430 North Salisbury Street, Raleigh, N.C. 27611.*

*Comment Procedures: Any interested person may present oral or written comments at the Hearing.*



## PROPOSED RULES

*Written statements not presented at the Hearing should be directed to the Credit Union Administrator, 430 N. Salisbury Street, PO Box 25249, Raleigh, N.C. 27611. Requests to be heard or written statements to be presented at the Hearing should be directed by September 10, 1987 to same address above.*

### CHAPTER 6 - CREDIT UNION DIVISION

#### SUBCHAPTER 6C - CREDIT UNIONS

##### SECTION .0400 - LOANS

###### .0403 REAL ESTATE LOANS

(a) **Loan Limitations.** Unless otherwise provided in the bylaws, no more than 30 percent of the total dollar amount of shares and deposits shall be made in fixed rate real estate loans with an original remaining maturity of more than seven years without the permission of the Administrator.

*Statutory Authority G.S. 54-109.12; 54-109.18.*

*Notice is hereby given in accordance with G.S. 150B-12 that the Credit Union Division intends to adopt regulation cited as 4 NCAC 6C .0407. Adoption of new Rule .0407 Business Loans will exempt federally insured State chartered credit unions in North Carolina from having to adhere to Federal Rules - NCUA 701.21(h); 701.21(c)(8); and 701.21(d)(5).*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 10:00 a.m. on September 14, 1987 at Room 4228, Dobbs Building, 430 North Salisbury Street, Raleigh, N.C. 27611.*

*Comment Procedures: Any interested person may present oral or written comments at the Hearing. Written statements not presented at the Hearing should be directed to the Credit Union Administrator, 430 N. Salisbury Street, PO Box 25249, Raleigh, N.C. 27611. Requests to be heard or written statements to be presented at the Hearing should be directed by September 10, 1987 to same address above.*

###### .0407 BUSINESS LOANS

(a) **Ten Percent Limit.** No loan or line of credit advance may be made to any member if such loan or advance would cause that member to be indebted to the North Carolina credit union upon loans and advances made to the member in aggregate amount exceeding 10 percent of the credit union's total unimpaired shares and surplus. In the case of member business loans, as

herein defined, additional limitations apply as set forth in this Rule.

(b) **Prohibited Fees.** A North Carolina credit union shall not make any loan or extend any line of credit if, either directly or indirectly, any commission, fee or other compensation is to be received by the credit union's directors, committee members, senior management employees, loan officers, or any immediate family members of such individuals, in connection with underwriting, insuring, servicing, or collecting the loan or line of credit. However, salary (except commissions) for employees is not prohibited by this Section. For purposes of this Section, "senior management employees" means the credit union's chief executive officer (typically this individual holds the title of President or Treasurer/Manager), any assistant chief executive officers (e.g., Assistant President, Vice President or Assistant Treasurer/Manager) and the chief financial officer (Comptroller), and "immediate family member" means a spouse or other family member living in the same household.

(c) **Nonpreferential Treatment.** The rates, terms and conditions on any loan or line of credit either made to, or endorsed or guaranteed by:

- (1) an official,
- (2) an immediate family member or an official, or
- (3) any individual having a common ownership, investment or other pecuniary interest in a business enterprise with an official or with an immediate family member of an official,

shall not be more favorable than the rates, terms and conditions for comparable loans or lines of credit to other credit union members. "Immediate family member" means a spouse or other family member living in the same household.

(d) **Member Business Loans.**

(1) **Definitions.**

(A) "Member business loan" means any loan, line of credit, or letter of credit, the proceeds of which will be used for a commercial, corporate, business, or agricultural purpose, except that the following shall not be considered member business loans for purposes of this Section:

- (i) A loan that is fully secured by a lien on a one to four family dwelling that is:
  - (I) the member's primary residence; or
  - (II) the member's secondary residence; or
  - (III) one other such dwelling owned by the member.
- (ii) A loan that is fully secured by shares in the credit union or deposits in other financial institutions.
- (iii) A loan, the proceeds of which are used for a commercial, corporate, business,

or agricultural purpose, made to a borrower or an associate member (as defined herein), which, when added to other such loans to the borrower or associated member, is less than twenty-five thousand dollars (\$25,000).

- (iv) A loan, the repayment of which is fully insured or fully guaranteed by, or where there is an advance commitment to purchase in full by, any agency of the Federal government or of a state or any of its political subdivisions.
- (B) "Reserves" means all reserves, including the Allowance for Loan Losses account, and undivided earnings or surplus.
- (C) "Associated Member" means any member with a common ownership, investment or other pecuniary interest in a business or commercial endeavor.
- (D) "Immediate Family Member" means a spouse, or other family member living in the same household.
- (2) Requirements. A North Carolina credit union may make member business loans only in accordance with the applicable provisions of this and all other Rules promulgated by the North Carolina Credit Union Administrator, including the following requirements:
  - (A) Written Loan Policies. The board of directors must adopt specific business loan policies and review them at least annually. The policies shall, at a minimum, address the following:
    - (i) Types of business loans that will be made.
    - (ii) The credit union's trade area for business loans.
    - (iii) Maximum amount of credit union assets, in relation to reserves, that will be invested in business loans.
    - (iv) Maximum amount of credit union assets, in relation to reserves, that will be invested in a given category or type of business loan.
    - (v) Maximum amount of credit union assets, in relation to reserves, that will be loaned to any one member or group of associated members as herein defined.
    - (vi) Qualifications and experience of personnel involved in making and administering business loans.
    - (vii) Analysis of the ability of the borrower to repay the loan.
    - (viii) The following considerations shall be addressed unless the board of directors finds that they are not appropriate for a particular type of business loan and states the reasons for those findings in

the credit union's written policies: balance sheet, trend and structure analysis; ratio analysis of cash flow, income and expenses, and tax data; leveraging; comparison with industry averages; receipt and periodic updating of financial statements and other documentation, including tax returns.

- (ix) Collateral requirements, including loan-to-value ratios; appraisal, title search and insurance requirements; steps to be taken to secure various types of collateral; and how often the value and marketability of collateral is reevaluated.
- (x) Appropriate interest rates and maturities of business loans.
- (xi) Loan monitoring, servicing and follow-up procedures, including collection procedures.
- (xii) Provision for periodic disclosure to the credit union's member of the number and aggregate dollar amount of member business loans.
- (xiii) Identification, by position, of those senior management employees prohibited from receiving member business loans by Section (c) of this Rule.
- (B) Business Loans to One Borrower. Unless a greater amount is approved by the North Carolina Credit Union Administrator, the aggregate amount of outstanding member business loans to any one member or group of associated members shall not exceed 20 percent of the credit union's reserves. If any portion of a member business loan is fully secured by a one to four family dwelling that is the member's primary residence, secondary residence, or one other such dwelling owned by the member, or by shares in the credit union, or deposits in another financial institution, or insured or guaranteed by, or subject to an advance commitment to purchase by, any agency of the Federal government or of a state or any of its political subdivisions, such portion shall not be calculated in determining the 20 percent limit. Credit unions seeking an exception from the 20 percent limit must present the Administrator with, at a minimum: the higher limit sought; an explanation of the need to raise the limit; an analysis of the credit union's prior experience making member business loans; and a copy of its business lending policy.
- (C) Allowance for Loan Losses.
  - (i) The determination whether a member business loan will be classified as substandard, doubtful, or loss, for purposes

of the valuation allowance for loan losses, will rely on factors not limited to the delinquency of the loan. Non-delinquent loans may be classified, depending on an evaluation of factors, including, but not limited to, the adequacy of analysis and documentation.

(ii) Loans classified shall be reserved as follows:

(I) Substandard loans at ten percent of outstanding amount unless other factors (e.g., history of such loans at the credit union) indicate a greater or lesser amount is appropriate. Loans classified as substandard loans are inadequately protected by the current sound worth and paying capacity of the obligor or of the collateral pledged, if any. Loans classified must have a well-defined weakness or weaknesses that jeopardize the liquidation of the debt. They are characterized by the distinct possibility that the credit union will sustain some loss if the deficiencies are not corrected. Loss potential, while existing in the aggregate amount of substandard loans, does not have to exist in individual loans classified substandard.

(II) Doubtful loans at 50 percent of outstanding amount. Loans classified as doubtful loans have all the weaknesses inherent in ones classified substandard, with the added characteristic that the weaknesses make collection or liquidation in full, on the basis of currently existing facts, conditions, and values, highly questionable and improbable. The possibility of loss is extremely high, but because of certain important and reasonably specific pending factors which may work to the advantage and strengthening of the loan its classification as an estimated loss is deferred until its more exact status may be determined. Pending factors include: proposed merger, acquisition, or liquidation actions, capital injection, perfecting liens on additional collateral, and refinancing plans.

(III) Loss loans at 100 percent of outstanding amount. Loans classified as loss loans are considered uncollectible and of such little value that their continuance as loans is not warranted. This classification does not necessarily mean that the loan

has absolutely no recovery or salvage value, but rather it is not practical or desirable to defer writing off this basically worthless asset even though partial recovery may occur in the future.

(c) Member Business Loan Prohibitions.

(1) Senior Management Employees. A North Carolina credit union may not make member business loans to the following non-volunteer, senior management employees, or to any associated member or immediate family member of such employees:

(A) Any member of the Board of Directors who is compensated as such.

(B) The credit union's chief executive officer (typically this individual holds the title of President or Treasurer/Manager).

(C) Any assistant chief executive officers (e.g., Assistant President, Vice President, or Assistant Treasurer/Manager).

(D) The chief financial officer (Comptroller).

(2) "Equity Kickers." A North Carolina credit union shall not grant a member business loan where a portion of the amount of income to be received by the credit union in conjunction with such loan is tied to the profit of the business or commercial endeavor for which the loan is made.

(f) Effective Date.

(1) This Rule is effective as of January 1, 1988. On and after that date, a North Carolina credit union may make member business loans only after adopting and implementing written loan policies as required by this Rule. All member business loans made on or after that date must be in full compliance with this Rule.

(2) On or before January 1, 1988, a North Carolina credit union must notify the North Carolina Credit Union Administrator, in writing, of any outstanding member business loans made prior to that date that do not satisfy the requirement of this Rule.

*Statutory Authority G.S. 54-109.12; 54-109.21 (25); 54-109.78; Federal Regulation NCUA 741.3.*

## TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

*Notice is hereby given in accordance with G.S. 150B-12 that the Commission for Mental Health, Mental Retardation and Substance Abuse Services intends to amend and repeal regulations cited as 10 NCAC 14E .0101; 14F .0101 through .0110; .0201 and .0202; .0301 through .0305; .0401 through .0405; .0501 through .0507; 45G .0308.*



## PROPOSED RULES

*The proposed effective date of this action is December 1, 1987.*

*The public hearing will be conducted at 11:00 a.m. on September 16, 1987 at Ramada Inn-Crabtree, 390 Arrow Drive, Raleigh, NC 27612.*

*Comment Procedures: Any interested person may present his/her views and comments by oral presentation at the hearing or by submitting a written statement. Persons wishing to make oral presentations should contact: Jan Warren, A.P.A. Coordinator, Division of Mental Health, Mental Retardation and Substance Abuse Services, 325 N. Salisbury Street, Raleigh, North Carolina 27611, (919) 733-7971 by September 16, 1987. The hearing record will remain open for written comments for 30 days from August 18, 1987 through September 16, 1987. Written comments must be sent to the A.P.A. Coordinator at the address specified above by September 16, 1987 and must state the proposed rule or rules to which the comments are addressed.*

### CHAPTER 14 - MENTAL HEALTH: GENERAL

#### SUBCHAPTER 14E - MEDICATIONS GUIDELINES

##### SECTION .0100 - SCOPE OF MEDICATIONS GUIDELINES

###### .0101 CROSS-REFERENCE (REPEALED)

*Statutory Authority G.S. 143B-147(a)(1).*

#### SUBCHAPTER 14F - MEDICATION SERVICES

##### SECTION .0100 - MEDICATION ADMINISTRATION COURSE FOR HEALTH CARE PERSONNEL

- .0101 PURPOSE AND SCOPE (REPEALED)
- .0102 COURSE REQUIREMENTS (REPEALED)
- .0103 FACULTY REQUIREMENTS (REPEALED)
- .0104 TRAINEE REQUIREMENTS (REPEALED)
- .0105 TRAINING AND EXAMINATION (REPEALED)
- .0106 FUNCTIONS OF THE CERTIFIED MEDICATION TECHNICIAN (CMT) (REPEALED)
- .0107 MAINTENANCE OF CERTIFICATION (RECERTIFICATION) (REPEALED)
- .0108 FAILURE TO RENEW CERTIFICATION (REPEALED)
- .0109 REVOCATION OF CERTIFICATION (REPEALED)
- .0110 REINSTATEMENT OF CERTIFICATION (REPEALED)

*Statutory Authority G.S. 143B-147(a)(1)a.*

##### SECTION .0200 - MEDICATIONS GUIDELINES: GENERAL

- .0201 PURPOSE (REPEALED)
- .0202 APPLICATION (REPEALED)

*Statutory Authority G.S. 143B-147.*

##### SECTION .0300 - PRESCRIBING MEDICATION

- .0301 DEFINITIONS (REPEALED)
- .0302 AUTHORIZED PRESCRIBERS (REPEALED)
- .0303 CONDITIONS ON CERTAIN PRESCRIBERS (REPEALED)
- .0304 VERBAL ORDERS (REPEALED)
- .0305 DELEGATION OF AUTHORITY (REPEALED)

*Statutory Authority G.S. 90-18; 90-18(13)(b); 90-18.1; 90-18.2; 90-85.3; 143B-147.*

##### SECTION .0400 - DISPENSING AND COMPOUNDING

- .0401 DEFINITIONS (REPEALED)
- .0402 AUTHORIZED COMPOUNDERS (REPEALED)
- .0403 DISPENSING (REPEALED)
- .0404 RESTRICTIONS ON DISPENSING (REPEALED)
- .0405 DISPENSATION BY EMERGENCY ROOM NURSES (REPEALED)

*Statutory Authority G.S. 90-18.1; 90-18.2; 90-18.3; 90-85.3; 90-85.6; 143B-147.*

##### SECTION .0500 - ADMINISTRATION

- .0501 DEFINITION (REPEALED)
- .0502 PERSONS AUTHORIZED TO ADMINISTER MEDICATIONS (REPEALED)

*Statutory Authority G.S. 90-85.3; 143B-147.*

- .0503 LIMITATIONS AUTHORIZED PERSONNEL ADMINISTERING MEDICATIONS (REPEALED)
- .0504 AUTHORIZED FUNCTIONS OF THE CMT (REPEALED)
- .0505 THE AUTHORIZED FUNCTIONS OF THE LPN (REPEALED)
- .0506 THE PROHIBITED FUNCTIONS OF THE HCT (REPEALED)
- .0507 THE PROHIBITED FUNCTIONS OF THE LPN (REPEALED)

*Statutory Authority G.S. 90-18.1; 90-18.2; 90-85.3; 90-171.20; 143B-147.*

#### SUBCHAPTER 45G - MANUFACTURERS: DISTRIBUTORS: DISPENSERS AND RESEARCHERS OF CONTROLLED SUBSTANCES

##### SECTION .0300 - PRESCRIPTIONS

- .0308 USE OF SYNTHETIC CANNABINOIDS IN SCHEDULE II

Practitioners licensed pursuant to Chapter 90, Article 5, may dispense the following synthetic cannabinoids Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product only as an antiemetic agent in cancer chemotherapy:

- (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product; and
- (2) Nabilone.

## PROPOSED RULES

*Statutory Authority G.S. 90-90; 90-100; 90-101(h); 143B-147.*

*Notice is hereby given in accordance with G.S. 150B-12 that the Division of Medical Assistance intends to adopt, amend and repeal regulations cited as 10 NCAC 26H .0106; .0204; .0304; 10 NCAC 26I .0202; 10 NCAC 26J .0103 - .0111; .0201 - .0206; 10 NCAC 26K .0001 - .0006.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 1:30 p.m. on September 14, 1987 at North Carolina Division of Medical Assistance, 1985 Umstead Drive, Room 201, Raleigh, N.C. 27611.*

*Comment Procedures: Written comments concerning these amendments, repeals and adoptions must be submitted by September 14, 1987 to: Director, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, N.C. 27603. Oral comments may be presented at the hearing.*

### CHAPTER 26 - MEDICAL SERVICES

#### SUBCHAPTER 26H - REIMBURSEMENT PLANS

##### SECTION .0100 - REIMBURSEMENT FOR SKILLED NURSING FACILITY AND INTERMEDIATE CARE FACILITY SERVICES

###### .0106 APPEALS

(a) Providers may appeal their rate determinations. These appeals will be processed according to procedures set forth in 10 NCAC 26I .0200, 10 NCAC 26K.

*Authority G.S. 108A-25(b); 108A-54; 108A-55; 150B-11; S.L. 1985, c. 479, s. 86; 42 CFR 447, Subpart C.*

##### SECTION .0200 - HOSPITAL INPATIENT REIMBURSEMENT PLAN

###### .0204 ADMINISTRATIVE APPEALS

(a) Appeals of rate determinations will be processed in accordance with the provisions of 10 NCAC 26I .0200, 10 NCAC 26K. Appeals must be submitted to the Division of Medical Assistance within 60 days after rate notification, unless unexpected conditions causing intense financial hardship arise, in which case an appeal may be considered at any time.

*Authority G.S. 108A-25(b); 108A-54; 108A-55; 150B-11; S.L. 1985, c. 479, s. 86; 42 CFR 447, Subpart C.*

##### SECTION .0300 - ICF-MR PROSPECTIVE RATE PLAN

###### .0304 PROVIDER APPEALS

Rate appeals must be filed in writing within 60 days after a provider receives notification of its prospective rate. Such appeals will be processed in accordance with the provisions of 10 NCAC 26I .0200, 10 NCAC 26K.

*Authority G.S. 108A-25(b); 108A-54; 108A-55; 150B-11; S.L. 1985, c. 479, s. 86; 42 CFR Part 447, Subpart C.*

#### SUBCHAPTER 26I - APPEALS PROCEDURE FOR LEVEL OF CARE CHANGES IN LONG TERM CARE FACILITIES AND HOSPITAL INPATIENT STAY

##### SECTION .0200 - RECONSIDERATION PROCEDURE FOR HOSPITAL UTILIZATION REVIEW

###### .0202 PROCESS

(a) When the Utilization Review Section reviews a recipient's chart and determines there was an excessive length of stay, a letter of notification is sent to the provider. The letter of notification includes the reason for the determination the amount to be recovered by the medicaid agency, and the time limitation for submitting a request for reconsideration, and the amount proposed to be recovered by the agency. Upon receipt of such a letter of notification, the provider may request a reconsideration review in accordance with 10 NCAC 26K. If more than one provider's services are being contested for one recipient's excessive length of stay, the reconsideration review will apply to all providers of the service.

(b) Any request for reconsideration review must be submitted within 30 days of receipt of the letter of notification. The request for reconsideration review must be in writing. The request must be sent to: Chief Utilization Review Section, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, North Carolina 27603. Documentation to support the lengths of stay should be included with the request for reconsideration review such as additional medical records, medical reports, and medical facts regarding the recipient's condition which affected length of stay.

(c) The documentation included in the request for reconsideration review will be reviewed by the Division of Medical Assistance. The provider will be notified of the division's decision within three weeks.

(d) If the documentation included in the request for reconsideration review does not support the need for continued stay, the original decision will be upheld.

(e) Within 60 days of the receipt of notification that the original decision was upheld, the provider may submit a request for an executive review. The request must be in writing to: Chief, Utilization Review Section, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, North Carolina 27603.

## PROPOSED RULES

(f) The Director of the Division of Medical Assistance will schedule an executive review within two weeks of the receipt of the request. The executive review will be conducted by an executive review officer. The executive review officer's decision will be final.

(g) When reconsideration review or executive review is not requested within the time limitations specified in Paragraphs (b) and (e) of this Rule, and the provider shows good cause for his failure to do so, he may make an administrative appeal to the Chief of the Utilization Review Section. The Chief of Utilization Review Section is the final authority for such administrative allowances.

(h) Staff of the Division of Medical Assistance or executive review officer responsible for reviewing cases will have neither a financial interest in the hospital nor any professional or personal association with the recipient being reviewed.

(i) The identity of the recipient will remain confidential.

*Authority G.S. 108A-25(b); 42 C.F.R. 456.*

### SUBCHAPTER 26J - TITLE XIX REIMBURSEMENT AND ADMINISTRATIVE REVIEW PROCESS

#### SECTION .0100 - AUDIT REVIEW PROCESS

##### .0103 NOTICE OF PROGRAM REIMBURSEMENT

(a) Based on the audit findings and information gained through the exit conference, the auditing unit shall recommend a Notice of Provider Reimbursement be sent by the Division of Medical Assistance which shall state the amount of reimbursement. An explanation of the provider's rights to an administrative conference shall also be sent. the Division of Medical Assistance will issue to the provider a Notice of Program Reimbursement which shall state the amount of reimbursement, if any, payable to the Division of Medical Assistance or payable to the provider.

(b) In accordance with the North Carolina State Plan for Reimbursement for Skilled Nursing Facility and Intermediate Care Facility Services, codified as Regulations 10 NCAC 26H .0001 through .0006, a notice of cost related reimbursement is to be issued to the provider.

*Statutory Authority G.S. 108A-25(b).*

##### .0104 RECONSIDERATION REVIEW

(a) Following receipt of the Notice of Program Reimbursement, a provider may file a request for an administrative conference a reconsideration review with the Division of Medical Assistance in accordance with 10 NCAC 26K.

(b) Any request must be made within the time period designated in the Notice of Program Reimbursement.

*Statutory Authority G.S. 108A-25(b).*

- .0105 REQUEST FOR ADMINISTRATIVE CONFERENCE (REPEALED)
- .0106 REPRESENTATIVE FOR THE PROVIDER (REPEALED)
- .0107 ADMINISTRATIVE CONFERENCE TO BE HELD (REPEALED)
- .0108 PROPOSED DIVISION DECISION (REPEALED)
- .0109 RECONSIDERATION OF PROPOSED DECISION (REPEALED)
- .0110 FINAL DIVISION DECISION (REPEALED)
- .0111 DEPARTMENTAL REVIEW AND FINAL DECISION (REPEALED)

*Statutory Authority G.S. 108A-25(b).*

#### SECTION .0200 - RATE REVIEW PROCESS

- .0201 ADMINISTRATIVE CONFERENCE (REPEALED)
- .0202 REQUEST FOR ADMINISTRATIVE CONFERENCE (REPEALED)
- .0203 REPRESENTATIVE FOR THE PROVIDER (REPEALED)
- .0204 ADMINISTRATIVE CONFERENCE TO BE HELD (REPEALED)
- .0205 PROPOSED DIVISION DECISION (REPEALED)
- .0206 FINAL DECISION (REPEALED)

*Statutory Authority G.S. 108A-25(b); 108A-54; 150B-11.*

### SUBCHAPTER 26K - TITLE XIX APPEALS PROCEDURES

#### .0001 PURPOSE AND SCOPE

The purpose of these regulations is to specify the rights of providers to appeal reimbursement rates, payment denials, disallowances, payment adjustments and cost settlement disallowances and adjustments. Provider appeals for program integrity action are specified in 10 NCAC 26G.

*Authority G.S. 108A-25(b); 108A-54; 150B-11; 42 U.S.C. 1396(b).*

#### .0002 PETITION FOR RECONSIDERATION REVIEW

(a) A provider may request a reconsideration review within 30 calendar days from receipt of final notification of payment, payment denial, disallowances, payment adjustment, notice of program reimbursement and adjustments and within 60 calendar days from receipt of notice of an institutional reimbursement rate. Final notification of payment, payment denial, disallowances and payment adjustment means that all administrative actions necessary to have a claim paid correctly have been taken by the provider and DMA or the fiscal agent has issued a final adjudication. If no request is received within the respective 30 or 60 day periods, the state agency's action shall become final.



## PROPOSED RULES

(b) A request for reconsideration review must be in writing and signed by the provider and contain the provider's name, address and telephone number. It must state the specific dissatisfaction with DMA's action and should be mailed to: Appeals, Division of Medical Assistance at the division's current address.

(c) The provider may appoint another individual to represent him. A written statement setting forth the name, address and telephone number of the representative so designated shall be sent to the above address. The representative may exercise any and all rights given the provider in the review process. Notice of meeting dates, requests for information, hearing decisions, etc. will be sent to the authorized representative. Copies of such documents will be sent to the petitioner only if a written request is made.

*Authority G.S. 108A-25(b); 108A-54; 150B-11; 42 U.S.C. 1396(b).*

### .0003 RECONSIDERATION REVIEW PROCESS

(a) Upon receipt of a timely request for a reconsideration review, the Deputy Director shall appoint a reviewer or panel to conduct the review. DMA will arrange with the provider a time and date of the hearing. The provider must reduce his arguments to writing and submit them to DMA no later than 14 calendar days prior to the review. Failure to submit written arguments within this time frame shall be grounds for dismissal of the reconsideration, unless the division within the 14 calendar day period agrees to a delay.

(b) The provider will be entitled to a personal review meeting unless the provider agrees to a review of documents only or a discussion by telephone.

(c) Following the review, DMA shall, within 30 calendar days or such additional time thereafter as specified in writing during the 30 day period, render a decision in writing and send it by certified mail to the provider or his representative.

*Authority G.S. 108A-25(b); 108A-54; 150B-11; 42 U.S.C. 1396(b).*

### .0004 PETITION FOR A CONTESTED CASE HEARING

If the provider disagrees with the reconsideration review decision he may request a contested case hearing in accordance with 10 NCAC 1B .0200.

*Authority G.S. 108A-25(b); 108A-54; 150B-11; 42 U.S.C. 1396(b).*

### .0005 PAYMENT STATUS

Once a final overpayment or final erroneous payment is determined by DMA to exist, action will be taken immediately to recover such overpayment or erroneous payment. If the provider's appeal is successful, repayment will be made to the provider.

*Authority G.S. 108A-25(b); 108A-54; 150B-11; 42 U.S.C. 1396(b)(d)(2).*

### .0006 PROVIDER BILLINGS TO RECIPIENT

(a) Providers may not bill Medicaid recipients for any Medicaid covered services provided to recipients unless the provider has specifically informed the recipient and the recipient has specifically understood he will be charged for the services. This provision is meant to protect the recipient from being billed for services which the recipient anticipates will be paid for by Medicaid.

(b) A provider may not bill a Medicaid recipient for Medicaid services for which it receives no reimbursement from the state agency because the provider failed to follow program regulations.

(c) A provider who accepts a patient as a Medicaid patient agrees to accept Medicaid payment plus any authorized co-payment and third party payment as payment in full, except that a provider may not deny services to any Medicaid patient on account of the individual's inability to pay the co-pay amount.

*Authority G.S. 108A-25(b); 108A-54; 150B-11; 42 CFR 447.15.*

## TITLE 12 - DEPARTMENT OF JUSTICE

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Alarm Systems Licensing Board intends to amend regulation cited as 12 NCAC 11 .0103.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 1:00 p.m. on November 10, 1987 at McKimmon Center, Western Boulevard at Gorman Street, Raleigh, NC.*

*Comment Procedures: Those persons interested in filing a response to the rule change must do so by writing: Jim Kirk, Administrator, P.O. Box 29500, Raleigh, NC 27626-0500.*

### CHAPTER 11 - N.C. ALARM SYSTEMS LICENSING BOARD

### SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

#### .0103 DEFINITIONS

(13) "Employee" means a person who has an

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agreement with a licensee to perform alarm systems business activities under the direct supervision and control of the licensee, for whose services any charges are determined, imposed and collected by the licensee, and for whose alarm systems business activities the licensee is legally liable.

*Statutory Authority G.S. 74D-5.*

### TITLE 14A - DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

*Notice is hereby given in accordance with G.S. 150B-12 that the Victim & Justice Services Division intends to adopt and repeal regulations cited as 14A NCAC 11 .0201 through .0216; .0401 through .0416.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 10:00 a.m. on September 14, 1987 at The Library, Second Floor, Archdale Building, Raleigh, North Carolina.*

*Comment Procedures: Any interested person may present comments relevant to the action proposed at the public hearing either in written or oral form. Written statements not presented at the public hearing may be directed prior to September 14, 1987 to the Administrative Procedures Coordinator, Second Floor, Archdale Building, 512 N. Salisbury Street, Raleigh or P.O. Box 27687, Raleigh, NC 27611-7687.*

#### CHAPTER 11 - DIVISION OF VICTIM AND JUSTICE SERVICES

##### SECTION .0200 - COMMUNITY PENALTIES PROGRAM

- .0201 PURPOSE AND INTENT (REPEALED)
- .0202 ELIGIBILITY FOR FINANCIAL ASSISTANCE (REPEALED)
- .0203 ALLOWABLE COSTS (REPEALED)
- .0204 DISALLOWABLE COSTS (REPEALED)
- .0205 INDIRECT COSTS (REPEALED)
- .0206 MINIMUM DOLLAR AMOUNT FOR APPLICATION ACCEPTANCE (REPEALED)
- .0207 GRANT APPLICATION FORM AND REQUIREMENTS (REPEALED)
- .0208 APPLICATION SUBMISSION PROCEDURES (REPEALED)
- .0209 COST ASSUMPTION PLANS FUND MATCHING REQUIREMENTS (REPEALED)
- .0210 GRANT PERIOD (REPEALED)
- .0211 PROCESSING MERITORIOUS APPLICATIONS (REPEALED)
- .0212 SELECTION CRITERIA (REPEALED)
- .0213 EVALUATIONS CRITERIA (REPEALED)
- .0214 METHOD PAYMENT (REPEALED)
- .0215 GRANT TERMINATION (REPEALED)
- .0216 NON-SUPPLANTING (REPEALED)

*Statutory Authority G.S. 143B-500 through 143B-507.*

##### SECTION .0400 - COMMUNITY PENALTIES PROGRAM

###### .0401 PURPOSE AND INTENT

The purpose and intent of the program is to provide financial assistance to community penalties programs for persons convicted of nonviolent misdemeanors or nonviolent class II, I, or J felonies who are facing an imminent and substantial threat of imprisonment.

*Statutory Authority G.S. 143B-500 through 143B-507.*

###### .0402 ELIGIBILITY FOR FINANCIAL ASSISTANCE

Only applicants meeting the following criteria will be eligible to receive financial assistance:

- (1) The program must be administered and governed by the board of directors of a non-profit corporation and the board members must be representatives of the district's criminal justice system and the community-at-large. The board shall consist of not less than 12 members, and shall include, if possible, judges, district attorneys, attorneys, social workers, law enforcement representatives, probation representatives, and other community leaders.
- (2) The program will accept only persons convicted of nonviolent misdemeanors or nonviolent class II, I, or J felons who are facing an imminent and substantial threat of imprisonment. The board has the option to exclude certain nonviolent H, I, J offenders from eligibility.
- (3) The application must reflect the board's specific criteria for accepting offenders into the program and the criteria must be developed in accordance with the guidelines in this document. The board will require reports from the program staff on a regular basis to insure compliance with the criteria.
- (4) The application must also reflect that, should the board adopt acceptance criteria which are more stringent than those in the guidelines, the board will review and approve the acceptance of any offender to the program who was convicted of any offense other than those eligible under the board's criteria. However, acceptance to the program is still limited to the offense categories included in Rule .0401 of this Section.
- (5) The application must reflect the board's willingness to accept responsibility for considering the safety of the community is a consideration in deciding the acceptance of any offender into the program.
- (6) The chairman of the board of the non-

## PROPOSED RULES

profit agency shall be the authorizing official of all grant applications requesting funds under the terms of this program.

- (7) The applicant agency must demonstrate that a need for this program does exist; in that:
  - (a) Target offenders can be identified who require less than extensive custody, but more than regular probation requirements.
  - (b) The number of commitments to prison can be reduced from each county served in the judicial district.
- (8) When applicable, the board demonstrates compliance with rules, guidelines and policies of other programs funded by the department to the board.
- (9) The application must also reflect the following program components:
  - (a) goals for the number of offenders to be accepted into the program and goals for the reduction of offenders committed to prison;
  - (b) procedures for identifying prison-bound offenders, and a plan for referral of these targeted offenders to the program;
  - (c) procedures for preparing and presenting plans to the court which specifically involve probation staff in plan development;
  - (d) procedures for submission of the alternative punishment plan to the District Attorney's office prior to sentencing;
  - (e) procedures for establishing contacts or consultation with law enforcement agencies, the public defender's office, the local bar, and community service agencies;
  - (f) procedures for establishing victims' reaction to the proposed alternative punishment plan in cooperation with the office of the District Attorney;
  - (g) procedures for obtaining services from existing public or private agencies;
  - (h) procedures for monitoring the progress of offenders on community penalty plans; for cooperating with probation personnel; and, for delineating the roles of the probation staff and the program;
  - (i) procedures for returning probationers who do not comply with the terms of their plan to court for action;
  - (j) procedures for evaluating the program's effect on the numbers of prison commitments for the jurisdiction of the program.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0403 ALLOWABLE COSTS

(a) Only those costs related directly to the operation of the proposed program will be allowable under the terms of this program and only the

following direct cash costs will be allowable within the specified limitations:

- (1) up to 100 percent of designated program personnel salaries and fringe benefits;
- (2) up to 100 percent of program related district travel and subsistence for program staff and such costs will be in accordance with existing state rates and limitations. All out-of-district travel must be approved in advance by the Secretary or his designee;
- (3) up to 100 percent of all normal program related operating expenses to include general office supplies, telephone charges, postage, printing, duplication, insurances, limited office equipment, rent and professional publication;
- (4) up to 100 percent of fees for professional services to offenders not to exceed local prevailing rates and with prior approval of a formal contract by the Secretary or designee (Contract forms can be obtained from the Division of Victim and Justice Services);
- (5) up to 100 percent of contractual services for client plan preparation not to exceed three hundred fifty dollars (\$350.00) per plan;
- (6) up to 100 percent of costs related to job training and job placement for offenders in the program.

(b) All program costs will be allowable when such costs are included in a line item budget approved by the Secretary of Crime Control and Public Safety or his designee. Any deviation from an approved budget will be unallowable, unless such deviation is made in accordance with the prevailing policy for budget revisions.

(c) For good cause, the Department Secretary or his designee will have the authority to add, delete or alter any item in this Rule as long as such changes are in accordance with state law.

(d) Programs will be allowed to charge fees for their services.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0404 DISALLOWABLE COSTS

(a) Due to the administrative costs involved in processing a refund from grantees, disallowed costs of one hundred dollars (\$100.00) and under, may not be required to be refunded and included in the final written audit report. All questions and/or disallowed costs for any amount will be fully explained in the audit report; however, it is the Secretary's designee's responsibility to decide if the amount of one hundred dollars (\$100.00) or less of state funds be included in the final report and a refund required, based on the reasons for this disallowed cost.

(b) All costs related to the development, presentation, implementation and monitoring of any



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plan will be disallowed if such plans were in noncompliance with the board's established criteria and approval procedures for accepting offenders into the program. The method of any repayment will be determined by the Secretary or his designee on a case-by-case basis. All necessary approvals must be documented in order to be considered allowable. To be allowable, all changes to the board's criteria and approval procedures for accepting offenders into the program must be approved by the Secretary or his designee prior to the adoption of these changes.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0405 INDIRECT COSTS

Indirect costs are not an allowable expenditure for any grant awarded with state funds.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0406 MINIMUM DOLLAR AMOUNT FOR APPLICATION ACCEPTANCE

Grant applications requesting a total of less than two thousand dollars (\$2,000) in funds will not be accepted by the Department of Crime Control and Public Safety unless it is a continuation funding application.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0407 GRANT APPLICATION FORM AND REQUIREMENTS

(a) Applications will only be officially received when the application form entitled "Application for State Funds," provided by the department is used, and all portions are completely and appropriately addressed.

(b) The application form contains the following elements which must be completely addressed in accordance with application instructions:

- (1) an assurance page with all appropriate signatures and requested information and certification of non-supplanting;
- (2) an introduction that addresses the following items:
  - (A) authorization by the authorizing official, i.e., the Chairman of the Board of Directors;
  - (B) identification of the staff person responsible for guideline adherence;
  - (C) a statement ascertaining that only prison-bound offenders will be worked with, supported by documentation in the main body of the grant application;
  - (D) a statement ascertaining that community safety will be a significant factor in client eligibility;

(E) a description of the Board of Directors and/or the Advisory Committee supervising that community penalties program;

(F) a policy statement regarding a decision by the board to exclude certain categories of offenders otherwise legally eligible;

(G) a statement and supporting documentation relating to the organization's history of sound fiscal and administrative management;

(H) a description of the organization's attempts and results in obtaining District Attorney involvement on the Board of Directors or the Advisory Committee and a statement as to the role the District Attorney's office plays in the program;

(I) a statement regarding the role the organization's community penalties program plays in the courtroom work group in terms of advocating for reduced incarceration rather than advocating for the accused;

(J) letters of support from representatives of the criminal justice system and others in the community, including insofar as possible the district attorney, judges, probation representatives and law enforcement representatives.

(3) the problem addressed by the program, both in general and specifically for the community in which the program will operate;

(4) goals and measurable objectives;

(5) expected program results;

(6) step-by-step procedures or program activities designed to reach results;

(7) program needs and resources;

(8) evaluation process: records collection and evaluation procedures and rationale (See Rule .0413);

(9) description of the program's history and data;

(10) detailed budget descriptions including a summary, expenditures by line item and fiscal resources as well as a plan for program match and continuing community support for fiscal resources;

(11) any additional information the applicant may want to include.

(c) Any changes as required by the Department of Crime Control and Public Safety in policies, rules and procedures, in the current issue of this form, shall be considered to be in effect at the time of their approval. Such changes shall be published in the next publication of the application form.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0408 APPLICATION SUBMISSION PROCEDURES

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(a) Eligible applicants must submit the original application and one copy to:

North Carolina Department of Crime  
Control and Public Safety  
Division of Victim and Justice Services  
P.O. Box 27687  
North Salisbury Street (Archdale Building)  
Raleigh, North Carolina 27611-7687

(b) Complete applications must be submitted by the deadline prescribed by the Secretary or his designee. State funds will be granted only in the amount necessary to assure initiation of, or continuation of a program.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0409 COST ASSUMPTION PLANS: FUND MATCHING REQUIREMENTS

(a) Eligible applicants must provide a statement in the written application which reflects the eventual assumption of project costs if state funds are unavailable for this program.

(b) State funds will be granted only in the amount necessary to assure initiation or continuation of a program. Unless the Secretary of the Department of Crime Control and Public Safety deems necessary, the state component will not exceed the following ratios:

(c) Ninety percent State Share of Total Costs in the 1st year; 80 percent in the second year and thereafter.

Commitments from local funding sources will be considered during grant review.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0410 GRANT PERIOD

Based on availability of funds and time of application submission, projects will be funded for a maximum of 12-month grant period with the termination date of June 30 of the current fiscal year.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0411 PROCESSING MERITORIOUS APPLICATIONS

(a) Complete applications found to be consistent with the current guidelines and eligibility requirements will be considered for approval for funding in the manner provided in this Rule.

(b) Major factors in deciding which meritorious applications to fund are:

- (1) documentation of the need, and monitoring and/or evaluation reports;
- (2) the cost of the program and the budget narrative;
- (3) the availability of funds;
- (4) the date of receipt of the application.

(c) The Secretary of the Department of Crime Control and Public Safety or his designee will have the authority to administratively approve or disapprove grant awards or grant increases subject to the following restrictions and/or limits:

- (1) any application subject to such administrative approval must be completed in all parts and details with all attachments and sections completed in a satisfactory manner;
- (2) any and all applications or amendments thereto which are approved administratively must be in compliance with existing policies and guidelines;
- (3) all continuation applications whose monitoring and audit reports and results are in good standing and are in compliance with existing department policies and guidelines may be approved administratively by the Secretary or his designee. The Secretary or his designee may require a full grant application for continuation funds and/or may grant funds on a conditional basis giving the applicant sufficient time to fully comply with legal and departmental guidelines.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0412 SELECTION CRITERIA

(a) Final approval of grant applications by the Secretary or his designee will be based on the following criteria:

- (1) adherence to the guidelines set forth by the Department of Crime Control and Public Safety;
- (2) clarity of program goals, objectives and activities;
- (3) the applicant's history in regard to following established guidelines and procedures for previous grants.

(b) Grant awards will be made on a year-to-year basis with consideration being given for continued funding after review of submitted program progress report and departmental monitoring and audit reports.

(c) Grant awards will be provided to programs submitting an approved application which documents the program's ability to satisfy eligibility, selection and application criteria.

(d) Grant awards will be made to those eligible agencies and programs demonstrating the ability to meet acceptable standards of financial accountability and compliance with department guidelines and policies.

(e) Grant awards will not be made to those agencies and programs which have received funding from the department for other programs and did not comply with the rules, guidelines and policies of those programs.

## PROPOSED RULES

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0413 EVALUATIONS CRITERIA

Any applicant receiving grant funds must maintain the following statistics and records for evaluation of the program, some of which may be required to be submitted to the division office monthly:

- (1) Complete, adequate records on each client;
- (2) Reports containing the following information:
  - (a) the number of offenders referred to the program and the source;
  - (b) the number of referrals accepted and rejected and the reasons why they were rejected;
  - (c) the number of partial and full community penalties plans prepared;
  - (d) the number of community penalties plans accepted totally, partially or rejected;
- (3) One copy of summary cover sheet after sentencing;
- (4) One copy of each alternative punishment plans prepared by the agency with the name of the client deleted;
- (5) A three-year follow-up on all offenders terminated from the program that includes local record checks every six months;
- (6) All related fiscal records;
- (7) Documentation of all required approvals;
- (8) Any additional information requested by the Secretary or his designee.

In addition, the Secretary is not authorized to continue funding programs that can demonstrate no impact on the number of commitments from their jurisdictions. To aid the Secretary in his evaluation, programs should be prepared to:

- (1) Evaluate the number of commitments during the year against the program goals. If the program has had no impact and has not met its goals, it should attempt to explain why.
- (2) Outline a process evaluation in the first year to help improve program operations. If the process evaluation shows programs to be mismanaged and, therefore, having no hope to make an impact, funding will stop at that time. By the second year a detailed impact (product) evaluation may be outlined. This impact evaluation will determine future funding after the second year.
- (3) The Secretary will aid in the planning and funding of program evaluation inasmuch as possible.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0414 METHOD OF PAYMENT

Requests for payment by grantees under the terms of this program will be accomplished by submitting the proper forms and in the time period specified by the Secretary or his designee.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0415 GRANT TERMINATION

(a) A grant may be terminated or fund payments suspended by the Secretary or his designee when a grantee fails to comply with the terms and conditions of:

- (1) grant awards contracts;
- (2) grant application forms;
- (3) any state law to which compliance is required;
- (4) guidelines and policies promulgated by the Secretary or his designee;
- (5) monitor or audit requirements to resolve adverse findings.

(b) Upon such findings, the Secretary or his designee shall notify the chairman of the program board grantee agency in writing and provide the grantee opportunity to correct any deficiencies found within 20 days. If said deficiencies are not corrected within this period, the Secretary or his designee may suspend or cancel the grant after furnishing written notice to the grantee.

(c) Actions set forth in this Section may be appealed in accordance with 14A NCAC 1.

*Statutory Authority G.S. 143B-500 through 143B-507.*

### .0416 NON-SUPPLANTING

State funds awarded to any program will not be used to supplant existing funds for purposes other than program operation.

*Statutory Authority G.S. 143B-500 through 143B-507.*

## TITLE 15 - DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

*Notice is hereby given in accordance with G.S. 150B-12 that the Department of Natural Resources and Community Development intends to amend regulation cited as 15 NCAC 2B .0311.*

*The proposed effective date of this action is February 1, 1988.*

*The public hearing will be conducted at 7:00 p.m. on September 17, 1987 at County Commissioner's Room, 2nd Floor Lee County Office Building, 200 Wicker Street, Sanford, North Carolina.*



## PROPOSED RULES

*Comment Procedures:* All persons interested in this hearing are invited to attend. Comments may be submitted orally at the hearing or in writing prior to, during, or within 30 days after the hearing. Statements may be limited at the discretion of the hearing officer and submittal of written copies of oral comments is encouraged. For further information contact Bill Kreutzberger, DEM, P.O. Box 27687, Raleigh, N.C. 27611, (919) 733-5083.

### CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

#### SUBCHAPTER 2B - SURFACE WATER STANDARDS: MONITORING

##### SECTION .0300 - ASSIGNMENT OF STREAM CLASSIFICATIONS

###### .0311 CAPE FEAR RIVER BASIN

(b) The Cape Fear River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) December 13, 1979;
- (3) December 14, 1980;
- (4) August 9, 1981;
- (5) April 1, 1982;
- (6) December 1, 1983;
- (7) January 1, 1985;
- (8) August 1, 1985;
- (9) December 1, 1985;
- (10) February 1, 1986;
- (11) July 1, 1987;
- (12) February 1, 1988.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a) (1).

Notice is hereby given in accordance with G.S. 150B-12 that the Department of Natural Resources and Community Development intends to amend regulation cited as 15 NCAC 2B .0315.

The proposed effective date of this action is February 1, 1988.

The public hearing No. 1 will be conducted at 7:00 p.m. on September 14, 1987 at Auditorium (Main Building), Lenoir Community College, Highway 70 East, Kinston, N.C.

Public hearing No. 2 will be held at 7:00 p.m. on September 15, 1987 at Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh, N.C.

*Comment Procedures:* All persons interested in this hearing are invited to attend. Comments may be submitted orally at the hearing or in writing prior to, during, or within 30 days after the hearing. Statements may be limited at the discretion

of the hearing officer and submittal of written copies of oral comments is encouraged. For further information contact Bill Kreutzberger, DEM, P.O. Box 27687, Raleigh, N.C. 27611, (919) 733-5083.

###### .0315 NEUSE RIVER BASIN

(b) The Neuse River Basin Schedule of Classification and Water Quality Standards was amended effective:

- (1) March 1, 1977;
- (2) December 13, 1979;
- (3) September 14, 1980;
- (4) August 9, 1981;
- (5) January 1, 1982;
- (6) April 1, 1982;
- (7) December 1, 1983;
- (8) January 1, 1985;
- (9) August 1, 1985;
- (10) February 1, 1986;
- (11) February 1, 1988.

Statutory Authority G.S. 143-214.1; 143-215.1; 143-215.3(a) (1).

Notice is hereby given in accordance with G.S. 150B-12 that the Coastal Management intends to amend regulation cited as 15 NCAC 7H .0306.

The proposed effective date of this action is January 1, 1988.

The public hearing will be conducted at 10:00 a.m. on September 24, 1987 at Shell Island Resort Hotel, 2700 North Lumina Avenue, Wrightsville Beach, NC 28480.

*Comment Procedures:* All persons interested in this matter are invited to attend the public hearing. The Coastal Resources Commission will receive written comments up to the date of the hearing. Any person desiring to present lengthy comments is requested to submit a written statement for inclusion in the record of proceedings at the public hearing.

Additional information concerning the hearing or the proposals may be obtained by contacting:

Portia Rochelle  
Division of Coastal Management  
P. O. Box 27687  
Raleigh, North Carolina 27611-7687  
(919) 733-2293

### CHAPTER 7 - COASTAL MANAGEMENT

#### SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

##### SECTION .0300 - OCEAN HAZARD AREAS

## PROPOSED RULES

### .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(k) All relocation of structures requires permit approval. Structures relocated with public funds shall comply with the applicable setback line as well as other applicable AEC regulations. Structures including septic tanks and other essential accessories relocated entirely with non-public funds shall be relocated the maximum feasible distance landward of the present location; septic tanks may not be located seaward of the primary structure. In these cases all other applicable local and state regulations shall be met.

Statutory Authority G.S. 113A-107; 113A-113(b)(6).

## TITLE 16 - PUBLIC EDUCATION

*Notice is hereby given in accordance with G.S. 150B-12 that the State Board of Education intends to amend regulation cited as 16 NCAC 6C .0312.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 10:00 a.m. on September 17, 1987 at 3rd Floor Conference Room, Education Building, 114 W. Edenton St., Raleigh, N.C.*

*Comment Procedures: Any interested person may present his or her views and comments either in writing prior to or at the hearing or orally at the hearing.*

### CHAPTER 6 - ELEMENTARY AND SECONDARY EDUCATION

#### SUBCHAPTER 6C - PERSONNEL

#### SECTION .0300 - CERTIFICATION

### .0312 CERTIFICATE SUSPENSION AND REVOCATION

(b) The superintendent of Public Instruction shall initiate revocation proceedings upon the written request and submission of information by any party in a position to present evidence as a basis for revocation.

(1) If, after investigating the information available to him, the superintendent finds that probable cause exists for suspension or revocation, he shall prepare and file written charges with the SBE. He shall send a copy of the charges to the certificated person and inform the person of the hearing procedures, including the following alternatives:

(A) The individual may request an informal conference with the superintendent or his designee within ten days after receipt of the notice.

(B) After the informal conference, the SBE may enter into a written settlement with the person, direct that the charges be dismissed, or proceed with the action. The individual must make a written request for a formal hearing before the SBE within ten days after action by the SBE.

(C) The individual may waive an informal conference and make a written request for a formal hearing, within ten days after receipt of the charges.

(D) If the individual fails to make a timely request for a hearing, the SBE may proceed with the suspension or revocation action.

(2) Any formal hearing is conducted by an officer named by the SBE. This hearing is held in accordance with Article 3 of Chapter 150B of the General Statutes, except that the hearing is private unless the individual requests otherwise. The SBE makes the final agency decision.

(b) Upon the receipt of a written request and substantiating information from any LEA, local superintendent or other person in a position to present information as a basis for the suspension or revocation of a person's certificate, the Superintendent of Public Instruction will conduct an investigation sufficient to determine whether reasonable cause exists to believe that the person's certificate should be suspended or revoked.

(1) If the Superintendent determines that reasonable cause exists to believe that the person's certificate should be suspended or revoked on one or more of the grounds specified in Paragraph (a) of this Rule, the Superintendent shall prepare and file written charges with the SBE.

(2) The SBE will review the written charges and determine whether the person's certificate should be suspended or revoked based on the information contained in the written charges. If the SBE determines that the written charges constitute grounds for suspension or revocation, it shall provide the person with a copy of the written charges, and notify the person that it will revoke the person's certificate unless the person, within 30 days of receipt of notice, initiates administrative proceedings under Article 3, Chapter 150B of the General Statutes. The notice will be sent certified mail, return receipt requested.

(3) If the person initiates administrative proceedings the SBE will defer final action on the matter until receipt of a proposed decision as provided for in G.S. 150B-24. If the person does not initiate administrative proceedings within 30 days of receipt of notice,

## PROPOSED RULES

the SBE may suspend or revoke the person's certificate at its next meeting.

*Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, Sec. 5.*

### TITLE 20 - DEPARTMENT OF STATE TREASURER

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Educational Facilities Finance Agency intends to adopt regulations cited as 20 NCAC 9 .0101 - .0102; .0201 - .0202; .0301; .0401 - .0403; .0501 - .0502; .0601 - .0602.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 10:00 a.m. on October 14, 1987 at Conference Room (Room 100), Albemarle Building, 325 N. Salisbury Street, Raleigh, North Carolina.*

*Comment Procedures: A written copy of the comments will be required of all persons wishing to speak at the public hearing.*

#### CHAPTER 9 - EDUCATIONAL FACILITIES FINANCE AGENCY

##### SECTION .0100 - GENERAL PROVISIONS

###### .0101 ORGANIZATION AND FUNCTIONS

(a) The Educational Facilities Finance Agency operates within the Department of State Treasurer and is the state's agency charged with the duty of advising and assisting institutions of higher education in financing the construction and renovation of higher education facilities.

(b) The following is general information about the Educational Facilities Finance Agency:

- (1) the administrative officer is the secretary-treasurer of the agency;
- (2) the mailing address is 325 North Salisbury Street, Raleigh, North Carolina 27611; and
- (3) the office is located in the Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina.

(c) The staff of the Educational Facilities Finance Agency is provided by the State and Local Government Finance Division.

*Statutory Authority G.S. 115E-4(c).*

###### .0102 DEFINITIONS

The words and phrases defined in this Rule will have the meanings indicated when used in this Chapter, unless the context clearly requires another meaning:

- (a) "Agency" is the Educational Facilities

Finance Agency and/or the Board of Directors thereof.

(b) "Secretary-Treasurer" is the Secretary-Treasurer of the Educational Facilities Finance Agency.

(c) "Institution" means a nonprofit private educational institution within the State of North Carolina authorized by law to provide a program of education beyond the high school level.

(d) "Participating institution" means an institution which, pursuant to the provisions of this Chapter, undertakes the financing, re-financing, acquiring, construction, equipping, providing, owning, repairing, maintaining, extending, improving, rehabilitating, renovating, or furnishing of a project or undertakes the refunding or refinancing of obligations or of a deed of trust or a mortgage or of advances as provided in the Higher Educational Facilities Finance Act.

*Statutory Authority G.S. 115E-3.*

##### SECTION .0200 - RULE-MAKING

###### .0201 RULE-MAKING PROCEDURES

(a) 20 NCAC 1F .0100 shall govern the issuance of rules by the agency.

(b) All correspondence shall be addressed to the secretary-treasurer at the mailing address of the commission.

*Statutory Authority G.S. 115E-5.*

###### .0202 DECLARATORY RULES

(a) 20 NCAC 1F .0200 shall govern the issuance of declaratory rules by the agency.

(b) All correspondence shall be addressed to the secretary-treasurer at the mailing address of the agency.

*Statutory Authority G.S. 115E-5.*

##### SECTION .0300 - CONTESTED CASES

###### .0301 CONTESTED CASE PROCEDURES

(a) 20 NCAC 1F .0300 shall govern the hearings and decisions in contested cases.

(b) All correspondence shall be directed to the secretary-treasurer at the mailing address of the agency.

*Statutory Authority G.S. 115E-5.*

##### SECTION .0400 - APPROVAL OF APPLICATION

###### .0401 REQUESTS FOR ACTION

(a) All requests for action shall be addressed to the secretary-treasurer at the mailing address of the agency.



(b) Each request for action shall include the following information:

- (1) cover letter which includes:
  - (A) name and address of the institution of higher education,
  - (B) brief description of circumstances and action requested,
  - (C) statutory basis for request and for action;
- (2) detailed description of circumstances and reasons for which action is requested;
- (3) list of all persons (real and corporate) who may be beneficially or adversely affected by any action of the agency; and
- (4) such other applicable material and information as requested by the secretary-treasurer.

(c) After receipt of a request, the secretary-treasurer shall review the case. The secretary-treasurer may require the petitioner to attend an informal conference with the staff of the agency. The secretary-treasurer may require the filing of such additional information as he may consider valuable to the consideration of the issues. The secretary-treasurer may invite the staff of the Local Government Commission to the preliminary informal conference to discuss financing of the project.

(d) At a preliminary informal conference the following matters may be discussed:

- (1) the nature and feasibility of the proposed project;
- (2) the need for the project;
- (3) the feasibility of financing the project;
- (4) the institution's debt management policies and practices;
- (5) the financial strengths and capabilities of the institution;
- (6) any other matters relating to the institution, to the proposed project, or to the proposed financing or lease;
- (7) the procedures for application of approval to be used in that case; and
- (8) future requirements to finance the project including requirements inherent in the method of financing proposed, such as the costs and need for experts, and the special requirements of those experts.

(e) The governing body of the institution shall adopt and file with the agency a resolution authorizing filing of the application to the agency.

(f) The institution shall submit to the agency as a part of the application for approval all documents requested by the secretary-treasurer.

(g) At any time after the acceptance of the application, the application may be considered by the agency together with all applicable data available to the agency. The agency shall use the factors set forth in the Higher Educational Facilities Finance Act and any other factors which in

its opinion are applicable to the circumstances under consideration.

(h) The amount approved shall be considered the maximum amount of debt to be incurred.

(i) The secretary-treasurer shall promptly provide a copy of the final decision to the applicant.

(j) The secretary-treasurer shall promptly provide a copy of any decision of the Local Government Commission relevant to the project to the applicant.

(k) The agency may hold a public hearing on the application.

*Statutory Authority G.S. 115E-7.*

#### .0402 HEARING ON CONFORMANCE TO PRIOR APPROVALS

(a) Any party at interest may request from the agency a hearing on whether a participating institution, for which the agency has provided an approval under this Section, has conformed to the terms of the approval so provided under this Section.

(b) In the discretion of the agency, the agency may refuse to consider any request which does not specify actual instances of non-compliance by the participating institution and provide adequate documentation thereon.

(c) After receiving a valid request for a hearing, the staff shall provide a copy thereof to the participating institution and request comments and adequate documentation supporting the comments within 20 days of receipt by the participating institution of the request.

(d) After receiving the comments of the participating institution, the staff shall prepare a summary of the request, the rebuttal, and any other comments received on the matter. The summary and all other pertinent documentation shall be furnished to the agency at its next regular meeting. All interested parties which have requested notification shall be provided the opportunity to attend the meeting.

(e) The agency shall discuss the matter in open meeting and may make one of the following decisions, based on its assessment of the validity of any claims made:

- (1) the agency may require the participating institution to correct the non-conformance within a given period not longer than 120 days;
- (2) the agency may request a contested case hearing on the matter, so that it may have a proper evidential record before it, prior to making its final decision; and
- (3) the agency may deny the request for hearing on the grounds of lack of substance.

(f) After the end of any corrective period or after the agency has received the report of a contested case, the agency shall again bring the matter before it at a regular meeting. Notice of the

## PROPOSED RULES

meeting shall be provided to all persons represented at the first meeting and all other persons requesting notices of the meeting in writing.

*Statutory Authority G.S. 115E-7.*

### .0403 APPLICATION TO AMEND PRIOR APPROVALS

(a) Whenever there is a substantial change in the economic environment or situation in which the participating institution operates, the governing board of the participating institution may make an application to amend a prior approval by the agency.

(b) An application to amend prior approvals shall be submitted in the same manner as required for initial approval plus such other additional items as the agency may request.

*Statutory Authority G.S. 115E-7.*

### SECTION .0500 - REVIEW CRITERIA

#### .0501 GENERAL

In order for the secretary-treasurer to recommend approval of a project, he must make certain findings. It is the purpose of this Section to specify the standards and criteria the secretary-treasurer will use in making his findings.

*Statutory Authority G.S. 115E-6.*

#### .0502 JURISDICTIONAL FINDINGS

(a) Before making technical findings, the secretary-treasurer shall make a finding that the project is eligible as defined by law.

(b) The secretary-treasurer shall make findings on the criteria established for approval of revenue bonds.

(c) Unless the applicant has met his various burdens of proof, the secretary-treasurer shall not make his required findings.

(d) All findings shall be in writing and where adverse findings are made, they shall specifically indicate in detail which elements of proof were weak, the required conclusions which could not be made, and any suggestions for amending the application.

*Statutory Authority G.S. 115-3; 115-6.*

### SECTION .0600 - FEES

#### .0601 COLLECTING FEES

(a) Fees shall be collected for all actions of the agency in connection with the approval or denial of requests.

(b) Application fees shall be payable prior to a final request for approval or participation by the agency.

(c) Annual fees shall be payable on the anniversary date of each financing so long as any of such obligations are outstanding and unpaid.

*Statutory Authority G.S. 115E-5(17).*

#### .0602 FEES AND EXPENSES

(a) A non-refundable application fee shall be required of .05 percent (five hundredths of one percent) of the par amount of the issue with a minimum fee of two thousand dollars (\$2,000.00), plus any and all fees charged by the Local Government Commission.

(b) An annual fee of five hundred dollars (\$500.00) per year shall be required.

(c) In addition to the fee set forth in this Rule, all travel and subsistence incurred, and all material amounts of other expenses, e.g. telephone and postage when paid by the state, shall be billed to the institution.

(d) The agency will not incur extraordinary expenses without prior agreement of the applicant to reimburse the agency for all related costs.

*Statutory Authority G.S. 115E-5(17).*

## TITLE 21 - DEPARTMENT OF OCCUPATIONAL LICENSING BOARDS

*Notice is hereby given in accordance with G.S. 150B-12 that the N.C. State Board of Certified Public Accountant Examiners intends to amend regulation cited as 21 NCAC 8G .0113.*

*The proposed effective date of this action is February 1, 1988.*

*The public hearing will be conducted at 8:30 a.m. on September 28, 1987 at N.C. State Board of CPA Examiners, 1101 Oberlin Road, Suite 104, Raleigh, NC 27605.*

*Comment Procedures: Any person interested in this rule may present written or oral comments relevant to the action proposed at the public rule-making hearing. Anyone planning to present comments at the hearing should notify the Executive Director at the Board offices by 12:00 noon, September 21, 1987. Written statements not presented at the public hearing should be delivered to the Board offices not later than 8:00 a.m., October 28, 1987.*

### CHAPTER 8 - BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

#### SUBCHAPTER 8G - PROFESSIONAL ETHICS AND CONDUCT

#### SECTION .0100 - GENERAL PROVISIONS

#### .0113 INVOLVEMENT IN LITIGATION OR COURT ACTION

(c) A Certified Public Accountant shall notify the board within 30 days of any disbarment, suspension, or revocation of his license or certificate to practice before the Treasury Department or any other Federal or state agency or in any other state or territory.

Statutory Authority G.S. 93-12(9).

Notice is hereby given in accordance with G.S. 150B-12 that the N.C. State Board of Certified Public Accountant Examiners intends to repeal regulations cited as 21 NCAC 8F .0504; 8G .0408.

The proposed effective date of this action is February 1, 1988.

The public hearing will be conducted at 8:00 a.m. on October 19, 1987 at N.C. State Board of CPA Examiners, 1101 Oberlin Road, Suite 104, Raleigh, NC 27605.

*Comment Procedures:* Any person interested in this rule may present written or oral comments relevant to the action proposed at the public rule-making hearing. Anyone planning to present comments at the hearing should notify the Executive Director at the Board offices by 12:00 noon, October 12, 1987. Written statements not presented at the public hearing should be delivered to the board offices not later than 8:00 a.m., October 19th, 1987.

#### SUBCHAPTER 8F - REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANT EXAMINATION AND CERTIFICATE APPLICANTS

##### SECTION .0500 - APPLICATIONS FOR CERTIFICATES

##### .0504 ACCOUNTANCY LAW COURSE REQUIREMENT (REPEALED)

Statutory Authority G.S. 93-12(5).

#### SUBCHAPTER 8G - PROFESSIONAL ETHICS AND CONDUCT

##### SECTION .0400 - CONTINUING PROFESSIONAL EDUCATION

##### .0408 REQUIRED COURSES ON ACCOUNTANCY LAWS AND RULES (REPEALED)

Statutory Authority G.S. 93-12(8b).

Notice is hereby given in accordance with G.S. 150B-12 that the N.C. State Board of Certified Public Accountant Examiners intends to amend regulation cited as 21 NCAC 8K .0201.

The proposed effective date of this action is February 1, 1988.

The public hearing will be conducted at 8:00 a.m. on October 19, 1987 at N.C. State Board of CPA Examiners, 1101 Oberlin Road, Suite 104, Raleigh, NC 27605.

*Comment Procedures:* Any person interested in this rule may present written or oral comments relevant to the action proposed at the public rule-making hearing. Anyone planning to present comments at the hearing should notify the Executive Director at the Board offices by 12:00 noon, October 12, 1987. Written statements not presented at the public hearing should be delivered to the Board offices not later than 8:00 a.m., October 19, 1987.

#### SUBCHAPTER 8K - PROFESSIONAL CORPORATIONS

##### SECTION .0200 - PRACTICE PROCEDURES OF PROFESSIONAL CORPORATIONS

##### .0201 CORPORATE NAMES

The corporate name of a professional corporation registered under these rules shall include only the names of one or more of the present or former shareholders or of partners associated with a predecessor accounting firm and shall contain the wording "corporation," "incorporated," "limited," "company," "professional corporation," or "professional association," or an abbreviation of either of the foregoing, "Corp.," "Inc.," "Ltd.," "Co.," "P.C.," or "P.A." The use of "CPA" or "Certified Public Accountant(s)" in the corporate name is encouraged, but not required.

Statutory Authority G.S. 55B-5; 55B-12; 93-12(3).

Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Real Estate Commission intends to adopt and amend regulations cited as 21 NCAC 58A .0107 - .0108; .0110; .0403; .1401 - .1404; 21 NCAC 58B .0203; .0501; .0601 - .0602.

The proposed effective date of this action is January 1, 1988.

The public hearing will be conducted at 3:00 p.m. on September 23, 1987 at Offices of the North Carolina Real Estate Commission, 1200 Navaho Drive, Raleigh, North Carolina.

*Comment Procedures:* Comments regarding the proposed rules may be made orally or submitted in writing at the public hearing. Written comments not submitted at the hearing should be directed so as to be delivered no later than October 27, 1987, to the North Carolina Real Estate



Commission, P. O. Box 17100, Raleigh, North Carolina 27619.

CHAPTER 58 - REAL ESTATE

SUBCHAPTER 58A - REAL ESTATE BROKERS AND SALESMEN

SECTION .0100 - GENERAL BROKFRAGE

.0107 HANDLING AND ACCOUNTING OF FUNDS

(e) Real estate brokers shall maintain records sufficient to verify the adequacy, maintenance and proper use of their trust accounts, all funds which the broker may hold for another or others, and A real estate broker shall retain bank statements, cancelled checks, deposit tickets, copies of contracts, closing statements and any other documents necessary and sufficient to verify and explain record entries.

*Statutory Authority G.S. 93A-3(c).*

.0108 RETENTION OF RECORDS

Real estate brokers shall retain records of all transactions conducted in such capacity for a period of three years. Such records shall include contracts of sale, written leases, listing contracts, options, offers to purchase, trust records, earnest money receipts, closing statements and any other records pertaining to real estate transactions. All such records shall be made available for inspection by the commission or its authorized representatives without prior notice.

*Statutory Authority G.S. 93A-3(c).*

.0110 BROKER-IN-CHARGE

(a) There shall be designated for each real estate firm and branch office thereof one duly licensed real estate broker who shall assume responsibility at such office for:

- (1) the proper display of license certificates and renewal stickers of the real estate brokers and salesmen associated with or engaged on behalf of the firm at such office, and ascertaining whether each licensee employed at the office has complied with Rules A.0503 and A.0506 of this Subchapter;
- (2) the proper notification to the commission of any change of business address or trade name of the firm and the registration of any assumed business name adopted by the firm for its use;
- (3) the proper conduct of advertising by or in the name of the firm at such office;
- (4) the proper maintenance at such office of the trust or escrow account of the firm and the records pertaining thereto;
- (5) the proper retention and maintenance of

records relating to transactions conducted by or on behalf of the firm at such office; and

- (6) the proper supervision of real estate salesmen associated with or engaged on behalf of the firm at such office in accordance with the requirements of Rule .0506 of this Subchapter.

*Statutory Authority G.S. 93A-3(c); 150A-11.*

SECTION .0400 - EXAMINATIONS

.0403 RE-EXAMINATION

If an applicant fails to pass the initial examination for which he has been scheduled, he will be re-scheduled for the examination held two months later, without additional fee for one re-examination at a time and place designated by the Executive Director. If an applicant fails to pass his re-examination or fails to appear for and take any examination for which he has been scheduled, he shall make written application to the commission upon a prescribed form accompanied by the appropriate fee, if he wishes to obtain a real estate license.

*Statutory Authority G.S. 93A-3(c); 93A-4(b), (d).*

SECTION .1400 - REAL ESTATE RECOVERY FUND

.1401 APPLICATION FOR PAYMENT

(a) Any person or entity desiring to obtain payment from the Real Estate Recovery Fund shall file an application with the commission on a prescribed form. The form shall require information concerning the applicant and the claim including but not limited to the applicant's name and address, the amount of the claim, a description of the acts of the licensee which constitute the grounds for the claim and a statement that all court proceedings are concluded. With the form, the applicant shall submit copies of the civil complaint, judgment, and the return of execution marked as unsatisfied.

(b) Forms for application for payment from the Real Estate Recovery Fund shall be available from the commission on request.

(c) The commission, in its discretion, may accept an application for payment which is not submitted on the form prescribed by the commission, provided that the application describes a meritorious claim and otherwise fulfills the requirements of Article 2, of Chapter 93A of the General Statutes.

*Statutory Authority G.S. 93A-3(c); 93A-17.*

.1402 MULTIPLE CLAIMS

(a) If at any time the commission has notice of the existence of more than one application or

potential claim for payment from the Recovery Fund arising out of the conduct of a single licensee, the commission may, in its discretion, direct that all applications filed before a date determined by the commission shall be consolidated for hearing and payment.

(b) When the commission consolidates multiple applications or potential claims, the commission shall issue to the licensee and the applicants and potential claimants an Order of Consolidation setting forth the deadline for filing all applications to be consolidated. Upon the passing of the deadline, the commission may, in its discretion, either extend the deadline or issue to the licensee and all applicants a notice of the time, date and place set for the hearing on the consolidated applications.

(c) Claims for which the commission has received no notice under G.S. 93A-17(a)(2) or for which no application has been filed prior to the deadline set forth in the Order of Consolidation shall not be considered by the commission until after the completion of all proceedings relating to the consolidated applications and payment thereon, if there be any.

*Statutory Authority G.S. 93A-3(c); 93A-17, 20.*

#### .1403 NOTICE OF HEARING: ORDER FOR PAYMENT

(a) Prior to ordering payment from the Real Estate Recovery Fund, the commission shall conduct a hearing before a majority of its members. The commission shall give notice of the time, place and date of the hearing to any applicant and the licensee.

(b) After conducting a hearing, the commission shall issue an Order either authorizing payment or denying the claim, in whole or in part. This Order shall be served upon the licensee and any applicant.

(c) The existence of subsequent notices of potential claims or subsequent applications shall not be considered by the commission in the issuance of an Order for Payment in those cases where the award is allowable but must be reduced pursuant to the provisions of G.S. 93A-21.

*Statutory Authority G.S. 93A-3(c); 93A-20.*

#### .1404 LIABILITY LIMITS

Applications for payment from the Recovery Fund received or which come on for consideration by the commission after the liability of the Recovery Fund as described in G.S. 93A-21 has been exhausted, shall be dismissed.

*Statutory Authority G.S. 93A-3(c); 93A-21.*

### SUBCHAPTER 58B - TIME SHARES

#### SECTION .0200 - PUBLIC OFFERING STATEMENT

#### .0203 RECEIPT FOR PUBLIC OFFERING STATEMENT

(a) Prior to the execution of any contract to purchase a time share, a time share developer or a time share salesman shall obtain from the purchaser a written receipt for the public offering statement, which shall display, directly over the buyer signature line in type in all capital letters, no smaller than the largest type on the page on which it appears, the following statement: DO NOT SIGN THIS RECEIPT UNLESS YOU HAVE RECEIVED A COMPLETE COPY OF THE PUBLIC OFFERING STATEMENT TO TAKE WITH YOU.

(b) Receipts for public offering statements shall be maintained as part of the records of the sales transaction.

*Statutory Authority G.S. 93A-51; 93A-45(d).*

#### SECTION .0500 - HANDLING AND ACCOUNTING OF FUNDS

#### .0501 TIME SHARE TRUST FUNDS

(d) Every project broker shall obtain and keep a written representation from the developer as to whether or not lien-free or lien-subordinated time share instruments can be recorded within 45 days of the buyers execution of the time share purchase agreement. When a lien-free or lien-subordinated instrument cannot be recorded within said time period, on the business day following the expiration of the ten day time share payment escrow period, a project broker holding purchase deposit money funds shall transfer to the developer, marked for transfer to the independent escrow agent, all time share purchase deposit monies or other payments received from a buyer who has not cancelled his time share purchase agreement.

*Statutory Authority G.S. 93A-42(c); 93A-51.*

#### SECTION .0600 - PROJECT BROKER

#### .0601 DESIGNATION OF PROJECT BROKER

The developer of a registered time share project shall designate for each project subject to the developer's control a project broker by filing with the commission an affidavit on the form prescribed. The developer may from time to time change the designated project broker by filing a new designation form with the commission within ten days following the change.

*Statutory Authority G.S. 93A-41; 93A-58(c).*

#### .0602 DUTIES OF THE PROJECT BROKER

(a) The broker designated by the developer of a time share project to be project broker shall assume responsibility for:

(1) The display of the time share project

certificate registration and the license certificates of the real estate salesmen and brokers associated with or engaged on behalf of the developer at the project;

- (2) The determination of whether each licensee employed has complied with Rules A.0503 and A.0506 of this Chapter;
- (3) The notification to the commission of any change in the identity or address of the project, developer, or marketing or managing entities at the project;
- (4) The deposit and maintenance of time share purchase or rental monies in a trust or escrow account until proper disbursement is made; and
- (5) The proper maintenance of accurate records at the project including all records relating to the handling of trust monies at the project, records relating to time share sales and rental transactions and the project registration and renewal.

(b) The project broker shall review all contracts, public offering statements and other documents distributed to the purchasers of time shares at the project to ensure that the documents comport with the requirements of the Time Share Act and the rules adopted by the commission, and to ensure that true and accurate documents have been given to the purchasers.

(c) The project broker shall not permit time share sales to be conducted by any person not licensed as a broker or salesman, shall not delegate or assign his supervisory responsibilities to any other person, nor accept control of his supervisory responsibilities by any other person.

(d) The project broker shall notify the commission in writing of any change in his status as project broker within ten days following the change.

*Statutory Authority G.S. 93A-51; 93A-58(c).*

## TITLE 24 - INDEPENDENT AGENCIES

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Housing Finance Agency intends to adopt regulations cited as 24 NCAC 1D .0601 - .0604.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 9:30 a.m. on September 14, 1987 at Board Room, N. C. Housing Finance Agency, 3300 Drake Circle, Suite 200, Raleigh, N.C. 27607.*

*Comment Procedures: Written comments concerning these rules must be submitted by September 14, 1987 to APA Coordinator, N.C. Housing*

*Finance Agency, P. O. Box 28066, Raleigh, N.C. 27611. Oral comments may be presented at the hearing.*

### CHAPTER 1 - N. C. HOUSING FINANCE AGENCY

#### SUBCHAPTER 1D - SINGLE FAMILY MORTGAGE PURCHASE PROGRAM

#### SECTION .0600 - MORTGAGE CREDIT CERTIFICATE PROGRAM

##### .0601 PURPOSE

The purpose of a Mortgage Credit Certificate (MCC) program is to make housing more affordable for low- and moderate-income home buyers. An MCC operates as a federal income tax credit. The MCC reduces the federal income taxes of eligible home buyers that purchase qualified residences. The MCC can assist the purchase of either a new or an existing single family residence.

*Statutory Authority G.S. 122A-5; 122A-5.1; 122A-5.4; 122A-5.6.*

##### .0602 ELIGIBILITY

To receive an MCC the following requirements must be met:

- (1) The purchaser must be a North Carolina resident and within 30 days of closing must occupy the home purchased as a principal residence.
- (2) The purchaser must be a first-time home buyer and cannot have had an ownership interest in a principal residence during the three-year period preceding the execution of the MCC, except in certain targeted areas where the requirement will not apply.
- (3) The purchaser must buy a home located in North Carolina which has an acquisition cost not exceeding 90 percent of the average area purchase price published by the Department of Treasury, except in certain targeted areas where 110 percent of the average area purchase price may be allowed.
- (4) The purchaser must not have family income exceeding 115 percent of the applicable median family income published by the Department of Housing and Urban Development, except in certain targeted areas where 140 percent of the median family income may be allowed.
- (5) The purchaser must secure new financing and must receive an MCC commitment prior to mortgage closing; the purchaser cannot finance the home with the proceeds of a qualified mortgage bond or qualified veterans' mortgage bond.

These requirements are described in greater detail in the MCC Program Operating Manual.



## PROPOSED RULES

*Statutory Authority G.S. 122A-5; 122A-5.1; 122A-5.4; 122A-5.6.*

### .0603 PROCEDURES

(a) The agency will have overall administrative responsibility for the MCC program in North Carolina and will delegate part of its administrative role to participating lenders through a Lender Participation Agreement. Lender responsibilities will include:

- (1) program promotion;
- (2) loan origination and MCC application origination;
- (3) loan underwriting;
- (4) submission of the completed MCC application to the agency;
- (5) loan closing; and
- (6) record keeping and report filing.

These requirements are described in greater detail in the Lender Participation Agreement and the MCC Program Operating Manual.

(b) Eligible home buyers will apply for Mortgage Credit Certificates in conjunction with a standard loan application with a participating lender. MCC processing will generally coincide with the lender's regular credit underwriting procedures. In addition, the borrower must certify that required state and federal regulations will be met. These requirements, which are described in greater detail in Section 143 of the Internal Revenue Code and the MCC Program Operating Manual, relate to:

- (1) residency requirements;
- (2) first-time home ownership;
- (3) purchase price limits;
- (4) borrower income limits;
- (5) loans in targeted areas; and
- (6) certain loan financing requirements.

(c) The MCC will be revoked if:

- (1) the residence for which the MCC was used ceases to be the MCC certificate holder's principal residence; or
- (2) the borrower does not meet the requirements for a qualified MCC; or
- (3) on the discovery of any material misstatement.

(d) The following reporting requirements will be met.

- (1) The agency will make quarterly reports to the Internal Revenue Service (IRS) as well as an annual report on forms provided by the IRS. These reports will provide information concerning the annual volume of MCCs issued and concerning program beneficiaries.
- (2) Lenders will file an annual report to the IRS on forms provided by the IRS for each MCC - assisted mortgage.

*Statutory Authority G.S. 122A-5; 122A-5.1; 122A-5.4; 122A-5.6.*

### .0604 MCC COMMITMENT

To reserve an MCC for a borrower and secure a commitment from the agency, the following procedure will be followed:

- (1) the lender will reserve an MCC by calling the agency;
- (2) an MCC submission package, which is described in the MCC Program Operating Manual, will be delivered to the agency for an MCC commitment;
- (3) the agency will process the package on a first-come, first-served basis. An exception to this policy will be made only for emergency cases in which the agency received a written request for priority processing from the lender;
- (4) the agency will review the MCC package for acceptability and completeness and, if it approves the package, the agency will issue an MCC commitment that will be valid for a specified period of time.
- (5) MCC commitments are issued based upon the lender's certification that all necessary requirements have been met. The lender must notify the agency of any changes affecting the conditions under which the commitment was issued.

*Statutory Authority G.S. 122A-5; 122A-5.1; 122A-5.4; 122A-5.6.*

*Notice is hereby given in accordance with G.S. 150B-12 that the North Carolina Housing Finance Agency intends to adopt regulations cited as 24 NCAC 1K .0501 - .0504.*

*The proposed effective date of this action is January 1, 1988.*

*The public hearing will be conducted at 9:00 a.m. on September 14, 1987 at Board Room, N.C. Housing Finance Agency, 3300 Drake Circle, Suite 200, Raleigh, N.C. 27607.*

*Comment Procedures: Written comments concerning these rules must be submitted by September 14, 1987 to the APA Coordinator, N.C. Housing Finance Agency, P. O. Box 28066, Raleigh, N.C. 27611. Oral comments may be presented at the hearing.*

### SUBCHAPTER 1K - UNSUBSIDIZED MULTIFAMILY MORTGAGE PURCHASE PROGRAM

#### SECTION .0500 - DISTRESSED PROJECTS

##### .0501 PURPOSE

The purpose of this Section is to temporarily facilitate higher occupancy levels in certain rental

housing projects financed by the agency that are experiencing financial difficulties due to low occupancy levels. The assistance to be provided by the agency will be provided by allowing units in these projects to be leased on a temporary basis to persons and families with incomes which exceed the agency's low-and moderate-income levels.

*Statutory Authority G.S. 122A-5; 122A-5.1; 122A-5.4.*

**.0502 DISTRESSED RENTAL HOUSING PROJECT DEFINED**

A distressed rental housing project ("distressed project") means any multifamily residential rental project financed by the agency that, as determined by a resolution of the Board of Directors of the agency, has an occupancy level below that for sustaining operation and therefore needs to increase its occupancy levels to avoid foreclosure.

*Statutory Authority G.S. 122A-5; 122A-5.1; 122A-5.4.*

**.0503 DETERMINATION BY BOARD OF DIRECTORS**

In making its determination that a rental housing project is a distressed project within the meaning of Rule .0502 of this Subchapter, the Board of Directors of the agency shall consider:

- (1) the occupancy rates of the project;
- (2) the market conditions affecting the project;
- (3) the costs of operating the project;
- (4) the debt service for the project;
- (5) the management of the project; and
- (6) such other factors the Board of

Directors may deem to be relevant to the situation.

*Statutory Authority G.S. 122A-5; 122A-5.1; 122A-5.4.*

**.0504 PROCEDURE**

(a) The Board of Directors of the agency may determine, by resolution, to permit a specified number of units, not in excess of ten percent of

the rental units in any distressed project, as determined according to the criteria established in Rule .0502 of this Subchapter, to be rented to persons or families without regard to income until the first of the following events occurs:

- (1) occupancy levels, in the judgement of the agency, will sustain operations at a level sufficient to prevent delinquency in project mortgage payments or mortgage default; or
- (2) June 30, 1989.

(b) In addition to allowing occupancy of rental units to persons and families without regard to income pursuant to Paragraph (a) of this Subsection, the Board of Directors may also determine, by resolution, to permit additional rental units in the distressed project to be rented to persons or families without regard to income, subject to the restrictions imposed by Paragraph (a) of this Subsection, provided that:

- (1) The units in the distressed project that have been available for rent without regard to income pursuant to Paragraph (a) of this Subsection have been available for a period of not less than three months;
- (2) The agency determines, by resolution, that permitting additional units, in excess of ten percent, to be rented without regard to income, is necessary in order for the distressed projects to avoid foreclosure; and
- (3) The total number of housing units at the distressed project allowed to be rented without regard to income shall not exceed 15 percent of the total number of units in the project.

(c) Once a distressed project attains sustaining occupancy at a level satisfactory to the agency, the agency will require the owners to rent only to persons and families of low-and moderate-income. It will require that the units rented without regard to income limitations, pursuant to this Section, be rented to persons of low-and moderate-income when the units next become vacant.

*Statutory Authority G.S. 122A-5; 122A-5.1; 122A-5.4.*

*LIST OF RULES AFFECTED*

**NORTH CAROLINA ADMINISTRATIVE CODE**

**LIST OF RULES AFFECTED**

*EDITION XII, NO. 5*

*EFFECTIVE: August 1, 1987*

*AGENCY*

*ACTION TAKEN*

**DEPARTMENT OF AGRICULTURE**

2	NCAC	9L	.0102	Amended
			.1101	Amended

**DEPARTMENT OF CORRECTION**

5	NCAC	2E	.1401-.1406	Adopted
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**GOVERNOR'S OFFICE**

9	NCAC	2		Executive Order Number 50
				Eff. June 17, 1987

**DEPARTMENT OF HUMAN RESOURCES**

10	NCAC	1F	.0404	Adopted
		4C	.0302	Amended
		8B	.0311	Amended
			.0610	Amended
		8G	.0705	Amended
		10F	.0001	Amended
			.0029-.0034	Amended
			.0041	Amended
			.0042	Adopted
		18I	.0120	Amended
		18J	.0604	Adopted
		18Q	.0702	Amended
		45G	.0301	Amended
		45H	.0202-.0205	Amended

**DEPARTMENT OF JUSTICE**

12	NCAC	7D	.0110	Repealed
		11	.0107	Repealed

**DEPARTMENT OF LABOR**

13	NCAC	5	.0101-.0104	Repealed
			.0201-.0207	Repealed
			.0209-.0212	Repealed
			.0301-.0304	Repealed
			.0401-.0402	Repealed
			.0501-.0506	Repealed
			.0508-.0531	Repealed
			.0601-.0617	Repealed
		15	.0101-.0107	Adopted
			.0201-.0206	Adopted
			.0301-.0309	Adopted
			.0401-.0428	Adopted
			.0501-.0502	Adopted
			.0601-.0613	Adopted



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15	NCAC	2D	.0501	Amended
			.0508	Amended
			.0521	Amended
			.0536	Amended
		13N	.0101-.0104	Temp. Adopted
				Expires 10-21-87
			.0201-.0202	Temp. Adopted
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			.0301-.0303	Temp. Adopted
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## **DEPARTMENT OF EDUCATION**

16	NCAC	6C	.0101	Amended
			.0401-.0404	Amended

## **DEPARTMENT OF STATE TREASURER**

20	NCAC	3	.0102-.0103	Amended
			.0105	Amended
			.0112	Amended
			.0507	Repealed
		7	.0101	Amended

## **BOARD OF CONTRACTORS**

21	NCAC	12	.0204	Amended
			.0503	Amended

## **BOARD OF PSYCHOLOGISTS**

21	NCAC	54	.2302-.2304	Amended
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## **CERTIFICATION BOARD FOR SOCIAL WORK**

21	NCAC	63	.0101-.0105	Adopted
			.0201-.0209	Adopted
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			.0401-.0403	Adopted
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